

**THE NON-GOVERNMENTAL ORGANIZATION
PERSPECTIVE ON THE SOUTHWEST BORDER**

HEARING

BEFORE THE

SUBCOMMITTEE ON
GOVERNMENT OPERATIONS AND
BORDER MANAGEMENT

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
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THE NON-GOVERNMENTAL ORGANIZATION PERSPECTIVE ON THE SOUTHWEST BORDER

WEDNESDAY, APRIL 28, 2021

U.S. SENATE,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
AND BORDER MANAGEMENT
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m. via Webex,
Hon. Kyrsten Sinema, Chair of the Subcommittee, presiding.

Present: Senators Sinema, Carper, Padilla, Ossoff, Lankford,
Johnson, and Hawley.

OPENING STATEMENT OF SENATOR SINEMA¹

Senator SINEMA. Welcome to the first hearing of the Subcommittee on Government Operations and Border Management for the 117th Congress. I am pleased to chair this Subcommittee and to partner with Ranking Member Lankford, just as we did in the 116th Congress. I look forward to working with him, the Chair and Ranking Member of the full Committee, and the rest of my Senate colleagues to address a wide array of critical issues.

Our Subcommittee has an expanded jurisdiction this Congress. We will continue to examine important topics such as Federal regulatory policy and a more efficient Federal workforce, and I expect we will also look at how to improve the U.S. Postal Service (USPS) and the decennial census. We will also focus significant time on a critical topic for my State of Arizona and the entire nation—improving how we manage and secure our border.

I grew up in southern Arizona, so like a lot of Arizonans I have seen first-hand how Arizona, and specifically small communities along the border, pay the price for the Federal Government's failure over decades to fix our broken immigration system. As Chair of this Subcommittee, I will work to ensure Congress and the administration take meaningful steps to secure the border, support our border communities and non-governmental organizations (NGO's), prevent the spread of coronavirus disease 2019 (COVID-19), and treat all migrants and unaccompanied alien children (UAC) fairly and humanely.

Right now our nation confronts a crisis at our Southwest Border. Since the beginning of 2021, we have seen an unprecedented surge of migrants arrive at the border. The Department of Homeland Se-

¹ The prepared statement of Senator Sinema appears in the Appendix on page 29.

curity (DHS) has reported 351,803 migrant encounters in just the first 3 months of 2021, compared to 107,732 during the same period in 2020. This influx of migrants puts severe strain on both the Department of Homeland Security and the Department of Health and Human Services (HHS). The men and women staffing those departments have worked tirelessly to help migrants while also securing the border, facilitating trade, and protecting our communities.

But there are many others also working day and night to help migrants and respond to the ongoing crisis. I am pleased we have several of those individuals joining us today as witnesses.

Non-government organizations play a critically important role in managing the ongoing influx. Their efforts to provide migrants with basic assistance, including food, shelter, and travel aid, is a key link in the ongoing effort to ensure migrants are treated fairly and our communities can successfully manage this crisis. Without these NGO's, Arizona, our border States, our nations, and the migrants themselves would be worse off.

This is why I worked with my colleagues to include \$110 million in funding in the last COVID package to provide NGO's and border communities with additional resources to assist migrants and protect our communities.

I look forward to hearing directly from the International Rescue Committee and Annunciation House about how Congress and the administration can improve its efforts to communicate and coordinate with NGO's, and it is critical that Congress hear directly from NGO's about the challenges they face, so it can craft solutions that make sense for everyone impacted by this crisis.

It is also critical that we always consider the security challenges of the ongoing influx. I look forward to hearing about steps this Congress and the administration can take right now to better secure our border and protect our communities from the threats posed by transnational criminal organizations (TCOs).

Last week, I introduced bipartisan legislation with Senator Cornyn in response to the ongoing crisis. The bipartisan Border Solutions Act takes a number of important steps to respond to this influx by improving DHS processing capacity, improving legal assistance to migrants, and ensuring DHS better coordinates and communicates with NGO's and local governments.

Our bipartisan bill represents a first step toward dealing with some of the challenges we see at the border. It does not tackle every challenge. I look forward to working with my colleagues, the administration, and outside stakeholders, including the NGO's represented today on our panel, to improve our proposal.

Now, without objection, I am entering into the record statements for the record from the Southern Border Communities Coalition and Amnesty International.

Thank you all for joining today. I look forward to the testimony and to the discussion.

I would like to recognize Senator Lankford for his opening statement.

OPENING STATEMENT OF SENATOR LANKFORD¹

Senator LANKFORD. Senator Sinema, thank you very much. I do look forward to working with you during the session, and I know your work ethic and the things that you take on, so I am grateful to be able to serve alongside of you in this conversation, and to be able to try to find the areas where we have common ground on this. I know this will be the first of many Subcommittee hearings dealing with this issue of border management, which is an essential part of our Subcommittee responsibility.

For the witnesses that are here, thank you very much for coming well prepared, for your prior statements you have submitted. We appreciate your engagement today. There is a lot that we need to be able to cover.

The March 2021 Southwest Land Border's Encounters Report from U.S. Customs and Border Protection (CBP) paints a pretty alarming picture of the crisis that is happening on our Southern Border. CBP encountered more than 172,000 migrants in the month of March alone. That is nearly 570,000 migrants in this fiscal year (FY). To put that in perspective, that is larger than the entire population of the city of Tulsa in my home State of Oklahoma, that have come across our border this year.

Preliminary data for 2021 that is coming shows that we are continuing to see a surge of migrants coming across our border. In fact, if you compared the first 3 weeks of this year to the first 3 weeks of the previous 3 years—2020, 2019, and 2018—we have had more encounters in April, just this April, than we have had in the previous 3 years of April, combined. This year there have also been more than 5,000 encounters with aliens coming across the border with a criminal record in the United States.

The number of unaccompanied children crossing our borders is currently on track to reach a 20-year high. In March 2021, CBP apprehended nearly 19,000 unaccompanied children. This is a historic surge of UACs, straining the resources of CBP and the Office of Refugee Resettlement (ORR) at an alarming rate.

The non-governmental organizations appearing today are working hard, alongside our government, to address this crisis. Many of the advocates working with these NGO's are living out their faith and providing food and shelter to the most vulnerable. While I am grateful for the NGO's, the churches, religious communities, and many other people in every single town and community along the border that are walking alongside these individuals, I am concerned about the series of policy decisions that still need to be made and some of the decisions that were made at the White House that actually have led to this crisis.

President Biden, on the first day of his administration, began rolling back many of the policies of President Trump, that were put in place when we faced a similar surge in 2019, only a smaller surge even than what we are facing now. These policies put in place by the previous administration strengthened our security and stabilized our border. Policies that now enrich the human trafficking cartels are beginning to rise again, and it is putting thousands of people in danger.

¹ The prepared statement of Senator Lankford appears in the Appendix on page 31.

I took trips to the Southwest Border during the 2019 crisis as well, because we had also worked on this issue at that time and during the ongoing crisis this year. In fact, I went to the Donna, Texas, facility that is so well-known now, from housing so many unaccompanied minors, and I was there in 2019 and there in 2021, and I can tell you, I was shocked to be able to see the difference between the two.

Let me show you a picture of what this facility looked like in 2019 and what it looks like in 2021.¹ The stark difference between the two is pretty remarkable. In 2019, they were housing unaccompanied minors. They were moving their way through. There was space in that facility. In 2021, that facility, one of the rooms that I was in that is designed to hold 80 people, and as I saw it in 2019, did hold 80 people, it was designed to hold 80 people, but it was actually holding 709 people. In that particular facility, some of those individuals had been there more than 10 days in that small, crowded space, with 709 people in a facility designed for 80.

Problems leading to this crisis are complex. We understand that. Cartel violence, human trafficking, smuggling, narcotics trade, depressed economies, coronavirus pandemic, slow economic growth in the Northern Triangle countries, they all lead to this situation.

But it is not just the Northern Triangle. As I visited with Border Patrol agents along our Southwest Border a few weeks, and asked, “How many countries have we encountered this fiscal year?” the answer I got was more than 100 different countries have been encountered this year, coming across our Southwest Border. It is incredibly complicated, and our border has become so porous and open at this point that we are seeing people literally from all over the world now crossing that border.

Addressing these problems will require a whole-of-government approach. We have to build capacity to be able to strengthen our regional security, to disrupt transnational criminal organizations that fuel this violence, strengthen our border security, and provide for some smart reforms in how we are going to handle our immigration laws. It is significant that we take this on.

The current asylum system is not working the way that it is set up, and it has become an incentive. Currently, if you are an individual coming across our Southwest Border today, you will be given a notice to appear (NTA) if you request an asylum hearing, which most everyone does. The current date on the notice to appear that you will have to appear before Federal authorities—and it would be your first encounter with the Federal authorities since you leave the border—is May 22, 2024, 3 years from now.

This Congress, I look forward to working with Senator Sinema and my colleagues to strengthen our border security, to ensure we have a better enforcement, to be able to work through constructive solutions to be able to fix our broken asylum system and our immigration laws, and I look forward to beginning that dialog even today.

Senator Sinema, thank you for calling this hearing, and I look forward to a good dialog today.

Senator SINEMA. Thanks so much, Senator Lankford.

¹ Picture of Texas/Mexico facility appears in the Appendix on page 49.

Now I will introduce our witnesses for today's hearing. I will ask all of our witnesses to keep their opening statements to 5 minutes in length. Your full statements will be submitted for the record.

Our first witness is Beth Strano, the Asylum Seekers and Families Coordinator at the International Rescue Committee (IRC) in Phoenix. In this capacity, Ms. Strano plays a pivotal role in operating the Phoenix Welcome Center for asylum-seeking families. Ms. Strano, thank you so much for your work and for joining us today. You are now recognized for your opening statement.

[Pause.]

It looks like Ms. Strano might be having a connection issue, so I am going to skip to our second speaker.

Our next witness is Ruben Garcia. He is the Founder and Director of Annunciation House, which is an El Paso NGO that has served asylum-seekers for more than 40 years.

Mr. Garcia, thank you for your work and for joining us today, and you are now recognized for your opening statement.

TESTIMONY OF RUBEN GARCIA,¹ DIRECTOR, ANNUNCIATION HOUSE

Mr. GARCIA. Senator Sinema and Senator Lankford, I appreciate the opportunity to come before you today and share my thoughts with you and the full Members of the Subcommittee on Government Operations and Border Management.

I have been with Annunciation House since its inception in 1978, and our work has been focused exclusively in providing hospitality for refugees as they have crossed the border here in the Juárez, Mexico, El Paso, Texas corridor. Over the years we have hosted hundreds of thousands of refugees in our hospitality sites.

The first real family wave or surge that we saw happened in 2014, and it was at that point where we saw the phenomena of families crossing first, initially, in south Texas, and literally turning themselves into Border Patrol, and the challenge of how to handle this surge we saw for the first time at that point. It resulted in plane-loads of families being flown to El Paso and then released here in El Paso.

Something that was very pivotal and important that took place then, in 2014, which I think has a great deal of bearing on what is happening today, is that the Deputy Director of Immigration and Customs Enforcement (ICE) locally here reached out to Annunciation House and explained this is what is going to be happening. These planes are going to start arriving. We are going to process the individuals, they are going to be given the NTA, then they are going to be released, and what we want to know if Annunciation House will receive them, and we did. As all of these planes arrived, people were processed, they were released, they came to hospitality sites that Annunciation House organized.

Thereafter, when the flights stopped coming, we began to notice that the flow of refugees began to shift to the Juárez-El Paso area, and we then started to see much higher numbers of individuals that were crossing the border here, were being apprehended by

¹ The prepared statement of Mr. Garcia appears in the Appendix on page 33.

Border Patrol, were being processed, and then were being released to Annunciation House.

That was the first surge back in 2014. A much greater surge happened in the 2018–2019 fiscal year, which required us to partner with many churches here in the El Paso and Las Cruces area. It also required that we reach out to churches and communities in Albuquerque. There were a couple of times that we even sent buses to churches in Denver, Colorado, and Dallas, Texas, all of it done by volunteers, all of it being done by churches that were making space available in their cafeterias and their meeting rooms, in their gymnasiums. It was possible through that coalition of churches and organizations that stepped forward with their volunteer personnel to accommodate 150,000 refugees that were released by ICE and Border Patrol during that fiscal year.

We are beginning to see an increase, which is periodic. I have been at this for many years, and the increases, especially in the springtime, is something that repeats itself, or has been repeating, and we are seeing, again, an increase in the number of individuals. This has been compounded by the need to unwind the Migrant Protection Protocols (MPP) program and to allow families that were placed in the MPP program to enter, which they are entering. As they enter, those that need hospitality, they are coming to the hospitality sites of Annunciation House. Then also, and a much greater concern, the unwinding or the decision of how to handle the Title 42 expulsions. This is something that is of great concern.

As we look forward to what happens, there are two things that I would emphasize. First, that the MPP unwinding, the unwinding of the MPP program was thought out, it was planned, it was organized, and it has been working amazingly well. People have been entering in a safe manner, COVID tested, and it has been working amazingly well.

The concern now is how the Title 42 expulsions are going to be dealt with, and that a similar planned-out, organized, safe approach is taken in dealing with the Title 42 expulsions. Thank you.

Senator SINEMA. Thank you, Mr. Garcia.

Ms. Strano, you will now be recognized for 5 minutes of testimony. Thank you for being with us today.

TESTIMONY OF BETH STRANO¹, ASYLUM SEEKERS AND FAMILIES COORDINATOR, INTERNATIONAL RESCUE COMMITTEE

Ms. STRANO. Thank you. Sorry about the Internet crash.

Chairwoman Sinema, Ranking Member Lankford, and distinguished Senators, I am grateful for the opportunity to share from the perspective of the International Rescue Committee, which has a unique vantage point as an NGO working across the full arc of crisis for thousands of asylum seekers, from conflict and disaster regions to recovery and protection.

In my role, specifically, I oversee the operations of the Welcome Center in Phoenix, Arizona, which is a 24-hour emergency shelter serving asylum seekers and their children. The center provides emergency humanitarian assistance alongside local community partners, and works closely with similar shelters in Tucson, The

¹The prepared statement of Ms. Strano appears in the Appendix on page 39.

Inn and Casa Alitas, to provide a regional response across the State.

Beyond Arizona, the Welcome Center is a member of the Border Asylum Shelter Coalition, composed of partners offering critical services to families from San Diego to Brownsville. This network of shelters has developed best practices over the years to safely receive asylum seekers, delivering humanitarian assistance, and assist with onward movement to their sponsors.

Thus far in 2021, the Welcome Center has served more than 6,000 people from 43 different countries. Families and individuals generally stay onsite for 24 to 72 hours while they connect to their U.S.-based family members and sponsors. We work in close collaboration with our county health department to ensure that everyone who stays at the shelter received COVID testing, information on health safety, and is given space to quarantine, if needed.

We recognize that the Federal Government is currently facing a triple challenge of unwinding inhumane policies from former administrations, responding to current humanitarian crises in Central America and Haiti, and humanely managing an increase of arrivals of asylum seekers at the U.S.-Mexico border, all during a pandemic.

The United States is one of the most resourced countries in the world, with the capacity to provide protection and implement policies that offer refuge for the most vulnerable. The concept of offering safety to immigrants is deeply embedded in our culture as a representation of our best natures. “Give me your tired, your poor, your huddled masses yearning to breathe free” still inspires us to become the America that Emma Lazarus believed in.

To meet these shared goals, we recommend that the U.S. Government scale up capacity and engagement with community-based shelters and partners would demonstrate success at meeting the comprehensive needs of asylum seekers.

We prioritize this engagement in three primary areas. First, safe and human processing of asylum seekers at the U.S.-Mexico border must include direct transportation to the nearest border shelter in the United States.

In Arizona this year, community partners have had to react quickly to releases of asylum seekers in small communities such as Ajo and Gila Bend, neither of which have public transit centers. It should not be expected that under-resourced communities will be able to provide transportation for up to 100 released asylum seekers with only a few hours’ notice, especially during a pandemic. It is necessary to equip border shelters to assist in providing transit and coordination.

Second, we recommend that Congress partner with members of the Border Asylum Shelter Coalition to develop an outcomes-driven model of humanitarian reception. Legal orientations at the Welcome Center inform families to help them participate fully in the asylum process, leading to better outcomes and addressing obstacles. Approximately 20 percent of the people we serve have needed assistance to address mistakes in their immigration paperwork. Without referrals to legal and social service providers, more vulnerable individuals could fall victim to exploitation or trafficking.

We are confident that the community-based model of reception by border shelters can lead to better, longer-term outcomes for asylum seekers. Sustainable and formal funding for operating costs for shelters would increase their capacity to serve as resilient community resources with a lasting, positive impact on our clients.

Third, case management services in destination locations should be scaled up and federally funded. Case management is a proven mechanism for supporting asylum seekers to fulfill their immigration process obligations and reach self-sufficiency in their communities. Currently, there is no case management program that is federally funded or outlined by the government.

They should receive meaningful referrals from the point of reception to the border at their destination. Without further delay, the government should implement a nationally coordinated effort that supports asylum seekers in finding safety and stability, and empowers them to fully participate in the legal process.

The right to claim asylum is protected by international law, and is driven by the need to seek safety from persecution and violence. Policies which have made it more difficult to seek or obtain asylum have not resulted in a more safe or orderly process at the border. In reality, making the road harder for those who are already fleeing violence does not change their need to seek safety, but it does reflect on our willingness to provide it.

Humanitarian needs for asylum seekers have consistently been met for years at the border and beyond by a network of community-based shelters, NGO's, legal partners. These networks represent deep expertise and resources which benefit our communities throughout the ebbs and flows of policy change and international crisis, and they are invaluable assets to guiding the creation of a more human asylum process.

I would like to close with the aspirational words of Langston Hughes and his vision of the American dream as accessible to all. He said, "Let America be America again. Let it be the dream it used to be. Let it be the pioneer on the plain, seeking a home where he, himself, is free."

Thank you so much, Senators, and I look forward to answering your questions.

Senator SINEMA. Thank you so much.

Our final witness is Josh Jones, the Senior Fellow on Border Security for the Texas Public Policy Foundation. In this role, Mr. Jones conducts organized crime and security assessments in Mexico to evaluate threats to U.S. national security interests.

Mr. Jones, thank you so much for joining us today, and you are recognized for your opening statement.

TESTIMONY OF JOSHUA JONES,¹ SENIOR FELLOW, BORDER SECURITY, TEXAS PUBLIC POLICY FOUNDATION

Mr. JONES. Thank you, Chairwoman Sinema, Ranking Member Lankford, and the other Members of the Subcommittee for the opportunity to testify today. I am a Senior Fellow in Border Security at the Texas Public Policy Foundation. My comments and rec-

¹The prepared statement of Mr. Jones appear in the Appendix on page 45.

ommendations today are my own and do not necessarily reflect those of the foundation.

Until December 2020, I was an Assistant U.S. Attorney in the Southern District of California, and I had been a prosecutor in the U.S. Department of Justice (DOJ) for approximately 17 of the prior 18 years. For the last 12 of those years, I worked almost exclusively on investigation and prosecutions of transnational criminal organizations in Latin America, first from the Criminal Division of Main Justice and later from the U.S. Attorney's Office in the Southern District of California.

In my last 18 months with the Department, I served on the Attorney General's Joint Task Force Vulcan, which coordinated domestic and international investigations in the MS-13 Transnational Criminal Organization. In that capacity, I coordinated task force efforts in Mexico and parts of Central America.

During my time on Joint Task Force Vulcan, I met a young man, 18 years old, who had recently migrated from Honduras. His story personifies both the complexity and the tragedy of the choices faced by Central Americans who make the long, arduous journey to the United States.

When he was 13 years old, a group of masked MS-13 members approached him on his way home from school in his small Honduran village. MS-13 controlled the neighborhood surrounding his home and school, and along with the rival 18th Street gang controls virtually all geographic territory in the Northern Triangle.

The MS-13 members took him to a nearby house and told him that he would be expected to join the local MS-13 clique. If he did not, he and his sisters would be killed. He did not want to join the gang, however, and through a contact with a smuggling organization he arranged to leave his single mother and sisters in Honduras, and at the age of 13, make the 1,800-mile journey to the United States.

His smugglers arranged his journey out of Honduras through the rocky roads of the Guatemalan hills and jungles and into the cartel-controlled territories of Mexico. Where necessary, his smugglers paid the taxes required by the local criminal syndicate, whether the street gangs of Guatemala or the cartels of Mexico. He witnessed the atrocities that we have heard about too often in these migrant caravans—young women raped, kids given up for ransom, or coerced into trafficking rings.

His journey through Mexico took him along the well-trodden smuggling routes into Chiapas, through Veracruz and Monterrey, and eventually to the U.S. border across from the Rio Grande Valley (RGV), across from Laredo, Texas. The local criminal organizations knew well the Customs and Border Patrol patterns along the river valley, and using a network of lookouts on both sides arranged for him and others to cross safely into the United States in the dead of night.

The young man then had a problem. His family could not afford the \$5,000 fee charged by the smuggling organization for his transportation north, so to pay off the debt, his smugglers had arranged with the local Mexican drug trafficking organization for him to traffic drug for them. So the young man who left his home and family in Honduras because he did not want to be a gang member

was forced to traffic illegal drugs into the United States. Any money he made beyond what he owed to criminal organizations was sent home to his mother in Honduras, who, like all the others in the area, was forced by the local MS-13 clique to pay taxes to the gangs in order to continue to live in the area.

I met this young man because he had been caught trafficking 50 kilograms of fentanyl-laced heroin into the United States. He was looking at a 10-year mandatory minimum sentence, and a sentencing guideline that ranged closer to 20 years.

While I have offered few details of this young man's experience in order to protect his identity, his story is not a unique one. It is repeated every day in the cities and villages of the Northern Triangle. The 50-kilogram shipments of fentanyl, when not stopped at the border, make their way onto the streets and suburbs of the United States, taking the lives and the livelihoods of thousands of young people.

In my previously submitted written testimony I described how criminal organizations from the Northern Triangle gangs to the Mexican cartels operate, and the human smuggling cycle, and how they exploit Central Americans who have often no real choice but to leave for the U.S. border. By the time most Central Americans reach CBP or Health and Human Services facilities or the NGO's operating along the border, they have witnessed or experienced unspeakable atrocities. In some cases, the minors and young adults taken in by CBP and by the NGO's are gang members themselves, planning to join an MS-13 or 18th Street clique in the United States. Others, as we have seen, will soon be coerced to work for a drug cartel. If they are lucky, they will be allowed to find work on their own, but the first \$5,000 to \$10,000 they earn will still go to their smugglers.

I look forward to answering your questions and discussing potential solutions to the complex problems on every side of the recurring immigration crises, from the national security threats arising from illegal immigration to the confluence of transnational criminal organizations and hostile foreign States at the border, to the so-called root causes of migration from the Northern Triangle.

Thank you again for the opportunity to be here today.

Senator SINEMA. Thank you, Mr. Jones, and thank you for joining us today.

Now we will begin the question portion of the hearing, and each Senator will get 7 minutes for questions.

Senator Lankford, I would like to recognize you, if you would like to do the first round of questions.

Senator LANKFORD. Senator Sinema, why don't I go ahead and defer to the other Members that may be in the queue, and then since I will be here the whole time I will take my questions last.

Senator SINEMA. OK. I will go ahead and start then. I am going to start and then I will go directly to Senator Johnson.

My first question is for Ms. Strano. Communication and coordination between DHS and NGO partners are crucial to successfully manage this crisis. In 2019, and again this year, we have seen communication failures directly impact Arizona communities and migrants in a negative way. It is a key reason why my bipartisan bill

with Senator Cornyn requires DHS to improve coordination and communication with local communities and NGO's.

Which specific aspects of communication and coordination with DHS still need to get better so NGO's, such as the IRC, can more efficiently and effectively help our communities?

Ms. STRANO. Thank you for your question, Chairwoman Sinema. I agree with you that increased collaboration and communication has been a huge driver for increased successful outcomes. We do still experience a lot of breakdowns around guarding transportation, from the border to the hubs where there are services. In Arizona, we really have services centralized within Tucson and Phoenix, and although there are plentiful resources there, we have many small towns that are closer to the border where we see releases happen.

There is cross-agency coordination that needs to happen between CBP and ICE to ensure that folks are transported directly to services, rather than being released in those small towns that have no outward migration options.

That has been one of the points of communication that has been the most difficult. We have worked closely with our local ICE field office to increase communication, and we are seeing increased communication over 2018 and 2019, and to have those kinds of conversations in a public forum setting, such as our Maricopa County stakeholders meeting that we do weekly, that ICE and CBP participate in. That has been a great model for success. Pima County has a similar meeting that is a great model for success. When we have all stakeholders at the same table and in participation with those conversations, we are seeing that we can come up with collaborative solutions much easier.

Senator SINEMA. Thank you. Mr. Garcia, I know you have worked in this space for decades, and I would like to get your historical perspective. How do the current challenges that NGO's experience differ from previous border crises, and is it the influence and impact of COVID-19 or are there other issues that Congress needs to consider, even after this pandemic ends?

Mr. GARCIA. Thank you for your question. I want to go back to 2014, when the planes were sent from south Texas to El Paso. The Assistant ICE Director, with the approval of the Director, called me, we sat down, and we said this is going to happen. We set out ground rules, the planes arrived, refugees were processed, they were released, the communication was strong, and it worked amazingly well. They transported the people being released to us to the sites that we requested. That is an example of really good communication.

Fast forward to today. I have communication with a lot of individuals in ICE, in Border Patrol, and Office of Field Operations (OFO). What I sometimes feel hampers the process is that not all three of them are on the same page. I speak to individuals who tell me that they are not sure of what is going to happen given A, B, or C. So there needs to be interagency cooperation, collaboration, so that there is clarity as to how the various situations are going to be handled, so that then the information that comes to me, as an NGO, is information that we can trust, that is going to be reliable.

A good example of that is that when the planes from south Texas, right now with the families, with tender-aged children that cannot be expelled, are being flown to El Paso, one plane-load, and Mexico said they would only allow 100 on each plane to be expelled. The other 35 we were then called and told, "They are going to be coming to you."

The next thing that I know is this contract with Endeavors is signed, and those 35 stopped coming to Annunciation House and they started going to Endeavors.

My point in that is that people in ICE, in Border Patrol, and OFO are not clear what was going to happen and how it was going to happen. There is an example of the importance of everybody being on the same page.

Senator SINEMA. Thank you. My next question is for Mr. Jones. Based on your research and experience, what role do transnational criminal organizations play in facilitating the current border crisis compared to the role that these transnational criminal organizations played during the 2019 crisis?

Mr. JONES. I think the role is essentially the same. The TCOs or the drug cartels control the port cities that line the border, and they essentially control the distribution channels. So whether it is drugs, whether it is firearms, whether it is people crossing the border, they control, they tax, and they manipulate as those things cross. We are seeing the same dynamics today as we saw in 2019, and as we saw in prior border crises, where the criminal organizations are recognizing that volume is up—in other words, the demand is up—so they have an opportunity to manipulate the situation in order to create revenue for themselves, because ultimately these are businesses.

Senator SINEMA. Following up on that answer, what are specific actions that you recommend the administration take to make it harder for these transnational criminal organizations to exploit asylum seekers, both before they leave their home countries and when they first approach the U.S.-Mexico border?

Mr. JONES. I think there are various things that can be done along that trafficking route, from the Northern Triangle up through Mexico, such as increased enforcement at the border of Guatemala and Mexico, which was something that was negotiated by the prior administration, and it appears that President Biden has done as well. That is a positive step.

I think one thing that is often not discussed, that should be on the table, is direct negotiation, a very honest and frank negotiation, with the government of Mexico, because they are obviously very much a part of the picture as we try to solve this problem, and at least at the law enforcement level, our relationships with Mexico have been deteriorating.

Senator SINEMA. Thank you. I now recognize Senator Carper. Senator Carper, are you ready?

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Yes, I am. Madam Chair? I can see you. I can hear you. Can you hear and see me?

Senator SINEMA. Yes, we can.

Senator CARPER. Oh, good. Thanks so much. Thanks to you and Senator Lankford for hosting this hearing today, and to each of our witnesses. I had the opportunity to go to the Northern Triangle countries any number of times, and before that to places like Nicaragua as well, and to Columbia, to try to learn what is it that compels people, young and old, from different walks of life, to risk lives and limb to try to get to our country.

I led a congressional delegation (CODEL) down to El Paso and to the border near El Paso earlier this month, and when I returned one of the things I said in my press conference, when I came back, was that in the New Testament, Matthew 25, we have a moral obligation to the least of these. Like when I was a stranger in your land, you welcomed me. According to scripture, we do have that moral obligation.

I think we are doing a heartfelt, good job, from the folks in Border Patrol and people in the Department of Health and Human Services, and a lot of contractors that they are hiring, and obviously folks like you, some of the folks that are here witnessing today.

But I said, if all we do is welcome the stranger with kindness and with compassion, 10 years from now, 20 years from now, 30 years from now they are still going to be coming. It is important for us to address the root causes of why they are coming. I downloaded the President the day after I got back, with the Vice President the next day, and with her staff the very next day after that.

Ms. Strano, in your testimony you explained that restrictive immigration policies and militarization of our border do not change migrants' needs or desires to seek safety in the United States, and I would agree. As my colleagues will tell you, and I have suggested, I am a big root cause guy. I believe that, as I said earlier, if all we do is welcome the migrants and be compassionate, 10, 20, or 30 years from now they are going to still be coming to our borders.

With this in mind, can you take a moment—this would be Ms. Strano—take a moment to share with us what your organization is seeing and hearing about why folks are fleeing their homes and countries today, not a year ago, 5 years, 10 years ago, but today, and how we can better address the root causes of migration? Ms. Strano.

Ms. STRANO. Absolutely. Thank you so much for the question. What we hear are the types of stories that Mr. Jones also echoed of gang exploitation and violence, and that this is something that crosses many borders and carries onto the folks that join us here in the United States as well and do seek asylum.

I think that, the root cause is there is a lot of governmental corruption or lack of influence over those kind of crime factors that are leading to folks fleeing their countries. But what we also have to recognize is that sometimes our policies inadvertently play into empowering the work of cartels on the Mexican and American border.

When we are creating situations where asylum seekers cannot reasonably seek asylum at the port of entry (POE), we do play into the thriving business for smugglers to charge people to cross. If we do not create situations where we verified the documents and pass

people through the port of entry and allow access to that process, which already exists and is fair and judicial, then we create situations where people cross repeatedly, even though they might be being expelled. Unfortunately, if what is behind you is violence, you cannot go back, so folks have no choice but to continue to go forward.

I think that as we are looking at how to better handle these crises, the root crises aspects, I agree with you that the root causes are in their home countries, and that there are things that could improve there. But also at our border we do have the ability to not feed into the smuggling business by not allowing people to seek asylum safely and in an orderly process at the border, at the port of entry. That is something that I think can be examined and improved.

Senator CARPER. This could be for anybody on the panel. Why not have folks who want that, to seek asylum in the United States, to go to our embassies, our consulates in their native countries, like Honduras, Guatemala, El Salvador. Why not just do that? I look for very brief answers to that. But, Mr. Garcia, do you want to go first?

Mr. GARCIA. I think it is unrealistic. I think it is important to understand that we view the border from an enforcement perspective. What is the reality in the Triangle countries is a humanitarian perspective, and we have a very difficult time dealing with what is imminently a social problem. The conditions are a social problem. It is a humanitarian problem, and we are trying to address it through enforcement, and it is not going to work.

People's lives are such that they are making the choice to then flee, and with that comes all of the factors that then grow from applying enforcement to that. They are not going to go consulates, they are not going to go to embassies, because it means I have to continue to live in the same neighborhood that I am living in right now.

If you were to ask me if there is one common, repeating narrative that I hear, it is "my children." Parents say "my children," be it that I don't want my children to join the gangs, that I don't want my children to be forced into gangs, and so they flee. Those are social realities or humanitarian realities.

Senator CARPER. Thank you, Mr. Garcia. I have another question and then I will be done. Sometimes we refer to an African proverb, "If you want to go fast, go alone. If you want to go far, go together." As we work to ensure that migrants are safely and responsibly guided through the immigration process, partnerships with organizations such as Annunciation House and the International Rescue Committee are essential.

With that said, though, I also believe that if it is not perfect we have to work to make it better. The system we have at the border is far from perfect, but the work that the NGO's do is invaluable. To that end, how can the Federal Government be helpful when it comes to facilitating local partnership between NGO's and State, Federal, and local government entities that are on the ground?

Would you take a shot at that, Mr. Garcia? How can the Federal Government be helpful when it comes to facilitating local partner-

ships between NGO's and government entities that are on the ground?

Mr. GARCIA. Communication is one. Second, that we have support in providing transportation to the various shelters that we have. Support in terms of providing legal assistance resources, that we have support, as was previously mentioned, with the case management, to assist families in navigating the asylum process as they move forward.

The vast majority of available shelters along the entire border area are prepared, ready, and willing to help provide the hospitality, the social services, in terms of food, hygiene, et cetera, do the transportation arrangements, take people to the airport, to the bus stations. They need the resources to continue to operate these shelters. I think that in that way you could have that partnership.

Senator CARPER. Much obliged. Thank you.

Senator SINEMA. Thank you, Senator Carper. Next is Senator Johnson.

OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Thank you, Madam Chair. If we can get the webmaster to put up my chart¹ real quick. Is that possible? I see it up there. Or do I have to click on it?

Senator SINEMA. I think your chart is up. It is the one that has yellow with blue and red?

Senator JOHNSON. I know Committee Members have seen this in the past. I know Mr. Garcia was talking about the 2014–2015 crisis that President Obama termed “the humanitarian crisis.” If you look at it in the context of this chart, though, you see it is barely a blip in comparison to the crisis of 2018 and 2019, and now what we have seen over the last month. I think it is important to take a look. There are different events that occurred, court decisions, different actions taken, so you can see cause and effect.

I think it is important to recognize that I know people disagreed with the Return-to-Mexico policy, some of the agreements we had with Mexico and Central America, but you have to admit, it did solve the problem in terms of reducing the flow of children and family units coming in, exploiting our broken asylum system. That was well before the COVID crisis. I think it is important to put that in context.

Over the last 28-day period, the average apprehensions per day totaled over 5,900. Almost 6,000 people per day were apprehended on the Southwest Border. That is a large caravan a day. It is overwhelming our system. It is leading to untold inhumanity and depredations by the human traffickers.

I am glad to hear that we are talking about root causes. I talked about that oftentimes during the 30-plus hearings we had on our immigration border crisis when I was Chairman. To me, I think we are missing the basic root cause of what is causing the push factor out of Central America, and I would argue that is our insatiable demand for drugs. I think I was struck when I first went to Central America, with Senator Carper and others. The presidents there were talking about the difficulty of corruption and impunity. The

¹ The chart referenced by Senator Johnson appears in the Appendix on page 51.

impunity kind of threw me for a loop until you realize when you have the drug cartels, who are untouchable, and they are the most evil people on the planet, now that we have eliminated the Islamic State of Iraq and Syria (ISIS), you can understand why they can operate with impunity, but then that transfers over to the entire culture.

I would argue we are not going to be able to fix Central America until we reduce or stop our insatiable demand for drugs. That is a long-term project.

I think we need to refocus on reducing the flow of children and families, incentivized to put themselves in the hands of the next most evil people on the planet, which is the human traffickers.

First of all, Mr. Jones, I want to talk to you. I believe that the border is 100 percent controlled on the Mexico side of the border. Is that your evaluation as well? In other words, nobody comes into America without having to pay or become indebted to the human traffickers. Is that your understanding as well, Mr. Jones?

Mr. JONES. Thank you for the question, Senator. The drug trafficking organizations, or the cartels, or sometimes we call them transnational criminal organizations, the very large organizations do control, on the Mexico side, each of the port cities, and they fight with each other all the time to maintain that control.

Senator JOHNSON. To the extent that we make it easier, or we create pull factors, which I think, personally, is the greatest attraction right now, and certainly what has sparked this crisis, when we have elected officials saying they are not going to deport people or there will be no consequences, or we will offer people free health care. That is an enormous pull factor.

If we make it easier, aren't we just increasing the incentive, and won't more children, more family members give their children over to these human traffickers, and be raped, and be kidnapped, and be beaten, and the videotapes be used as ransom? I mean, those people [inaudible], won't that increase if we actually make it easier for people to come into this country and exploit our asylum laws?

Mr. JONES. I think as policy encourages immigration by loosening the requirements for getting into the United States, or having a policy where, in the case of undocumented alien children, they get in 100 percent of the time, I think those types of pull factors do, indeed, create an increase in demand on the cartel side, and like with any business, that gives the cartels opportunity for exploitation, and for making money themselves off of the immigration crisis. I think you are absolutely correct.

Senator JOHNSON. I am all for a legal immigration system. That is what made this country great, is everyone is coming to this country but is has to be done in a legal fashion if it is going to be done, even a humane fashion.

My concern, again, is by making this easier, isn't it true, to cross over you either have to pay the cartels or indebted yourself to them—how do they pay off that debt? What have you seen? For example, in our hearings we heard about a child being sold for \$84.

We have heard of children being reused. We certainly have a picture of that father with his 2-year-old daughter face down, drowned in the Rio Grande. When we were down on the border we saw a

dead body floating. The following day, I think a 9-year-old girl was drowned.

We need to convert this into a legal process, but isn't it true that around 90 percent of the people who coming in here claiming asylum, claiming credible fear, they do not have a valid asylum plan? Is that roughly true?

Mr. JONES. My understanding is that is roughly accurate, that approximately 90 percent of asylum claims coming from that part of the world are eventually denied.

Senator JOHNSON. Now I was also shocked to learn, when we went down on the border, that the Biden administration is giving Customs and Border Protection the goal of processing migrants in about 8 hours, and then I was even more shocked to realize they are releasing them, first without a COVID test, but also without even a notice to appear. There is no immigration process set up whatsoever for these individuals.

By the way, I have to also say, I flew home from McAllen. I had three migrants sitting next to me with their envelopes, saying, "Please help me. I don't speak English. Help me find my next flight." The most polite people. Each one had about a 2- or 3-year-old little girl, the most well-behaved people. These are people that I think would be wonderful legal immigrants, but I am so afraid that they are going to be completely exploited by the human traffickers, and I do not think we emphasize the depredations of the human traffickers enough, but what our policies are incentivizing.

Would you comment on that, Mr. Jones?

Mr. JONES. I absolutely agree with that. I have not heard about no notices to appear, or people being released without a notice to appear that may be happening. But as Senator Lankford said, when they are being given notices to appear these days, those notices are for 2 and 3 years down the road, which is essentially the same thing you are talking about. I completely agree, Senator.

Senator JOHNSON. Thank you, Madam Chair, for working with me over the last couple of years to try to address this problem. I look forward to working with you to do the same.

Senator SINEMA. Thank you, Senator. I look forward to that as well.

I now recognize Senator Padilla.

OPENING STATEMENT OF SENATOR PADILLA

Senator PADILLA. Thank you, Madam Chair, and thank you to the witnesses that are participating today.

Based on conversations I have had with NGO's serving immigrant communities at the border in California, there are a number of areas where it seems that the Federal Government can support organizations strategically, including funding for food, shelter, transportation, medical costs, and other important services. Many of us were proud to write a letter for the American Rescue Plan Act (ARPA) earlier this year, which included \$110 million for the Federal Emergency Management Agency (FEMA's) Emergency Food and Shelter Program, to support local service organizations in providing continued humanitarian relief to individuals and families.

However, we know that it is not enough, and we are already hearing from organizations they need additional long-term funding, so they can better plan on how to use the funds effectively.

As we move forward with the fiscal year 2022 appropriations process—this is a question for Ms. Strano and Mr. Garcia—what long-term investments would be helpful to support your work?

Ms. STRANO. If I can respond first—thank you so much, Rubin—thank you for your question, Senator. I agree completely with you that allocation under the ARPA, the \$110 million allocated under ARPA, is very helpful for these community-based resources. I agree with the direction you are going, though, that this needs to be sustainable, long-term funding. There is a tendency to respond to asylum as though it is an emergency or a crisis, when it is making big headlines and we are seeing higher numbers of encounters, but there is no funding that is in place for these types of programs outside of those very visible increases.

We do see and ebb and flow to asylum, because there is an ebb and flow of international crises that drive asylum. We also see that those services are needed in border States year-round.

Prior to 2020, when we had particularly restrictive policies in place, we were seeing 250 people a month at the Welcome Center in Phoenix, and that is not considered a high arrival number. That is the normal flow through a border State.

I think that funding needs to become more long-term and sustainable, and recognition that these are resources our communities benefit from year-round, but also that these folks need to access year-round. I do want to identify that we see increases and decreases in arrivals, but we also have to compare those numbers alongside expulsions, alongside apprehensions. There are very different ways to see those numbers. The reality is that every day it is a safe assumption that folks are arriving at our border seeking asylum, and that those services are needed.

Senator PADILLA. Mr. Garcia.

Mr. GARCIA. I would echo what Ms. Strano just finished saying. I would add to it that part of what complicates all of this is the inconsistency that results from the politicization of border policy. As administrations change, the language changes, the policy, the mentality changes, and the will to handle individual that are arriving, that are seeking asylum changes. It is very difficult then to have any kind of a consistent policy going forward, because there is no consistent policy on the part of the Federal Government. You can go from one administration to another and see very radical changes into how things are being done.

I would say that number one is there needs to be the establishment, the evolution of a consistent border policy in regard to asylum. We need to recognize that asylum cannot be a moment-by-moment decision and policy. It has to be a commitment to a very long and established right that is recognized internationally and nationally, to assist individuals that have a fear of returning to their home country. And that needs to be consistent.

Senator PADILLA. Thank you. I want to make sure I ask the next question on an important topic, but let me preface it by recognizing that the Trump administration put a number of harsh deterrence measures in place to try to discourage people from coming to our

Southern Border. For example, its Zero Tolerance Policy was designed to separate children from their parents when crossing the border, and the Remain-in-Mexico program forced asylum seekers to return to Mexico to wait for their asylum hearings in a U.S. immigration court. These migrants often waited in overcrowded and unsanitary camps, and in extremely dangerous settings.

A question for Ms. Strano. What are some of the best practices amongst NGO's on how to work with these migrant populations and address the complex mental trauma, as well as the physical trauma they have experienced in making the journey to the United States?

Ms. STRANO. Absolutely. I appreciate your question, Senator. Within the NGO's, and especially the border shelters which tend to be the first place that folks land post that initial processing by Immigration, we do implement a variety of measures that are informed by research-driven, trauma-informed care. That is something that is the ability to be codified into a Federal system that is implemented across the entire border region, recognizing that folks have experienced both acute and chronic trauma that led to them fleeing their countries. Many of them have recently experienced the loss of a child, the loss of a family member. We see a lot of family units where the parents are deceased and another family member has had to adopt the children.

There are a lot of complicated family arrangements that are arriving at the border, and one of the things that does contribute to that is the current policy of only recognizing a biological parent and a biological child as a family unit. Unfortunately, the nature of asylum is that family units are not always intact. When we look at unaccompanied minors, some of these are children being put in facilities because they arrived with a guardian instead of a biological parent. There is some opportunity to explore what aspects of the trauma actually are inadvertently being created by policy.

Additionally, I would add that the restrictive policies you referred to do not create a safe or more orderly process at the border. They actually create a lot more work for CBP, especially Border Patrol. I spoke to the CBP unit yesterday, Border Patrol from Tucson Sector. They say that although their encounters are at a 20-year high, they are expelling 90 to 95 percent of those folks back to the other side of the border, and they not unique encounters. Folks are attempting to cross over and over again, because of restrictive policies.

If we actually want to holistically address the problem and not put people back into situations where they are vulnerable to exploitation and smugglers and kidnapping on the Mexico side of the border, we have to look at how do we process people through our ports, following the policies that we already have that exist for that purpose, and ensure that we are not sending them to cross outside the port of entry and create greater work for everybody and more danger.

Senator PADILLA. Thank you very much. Thank you, Madam Chair.

Senator SINEMA. Thank you, Senator Padilla. Senator Lankford?

Senator LANKFORD. Thank you. Thanks again to our witnesses that are here today. This is a very serious issue that several of you

have talked about—172,000 encounters last month, 172,000 and climbing. This month, 19,000 unaccompanied children, in March. We will be at that number again in April. Those two numbers are record highs for the last 20 years. We are seeing something very unique at this point.

We are well over 1 million people in the asylum backlog, and as I mentioned before, we are 3 years before people will actually get to a court hearing. As of the end of February, the next date that was available was May 22, 2024, to be able to get an asylum hearing, which is very difficult for those who have a legitimate asylum claim, because we have so many people that are coming through that will not have a legitimate asylum claim.

In addition to that, we are still dealing with some of the challenges on the border fencing itself. I have talked to Border Patrol in Arizona, as I was down in the Tucson Sector not long ago and got a chance to be able to see some of the fencing that is not complete there. On January 20th they stopped construction, leaving large gaps in the system, and when we have gaps in the wall, obviously it directs people to illegally cross in those gaps. Those gaps still remain, still today, because construction on the wall just stopped on January 20th.

When I have talked to Border Patrol, CBP, over and over again, they said they would much rather deal with people coming to the ports of entry than going through the desert, where it makes it even more difficult, or trying to be able to cross in other areas that are more remote. Allowing the fencing to be up directs individuals to other places, on the whole, and makes it much easier for them to be able to actually engage with those individuals in a more humanitarian way and process.

All these things matter, as it all works together in a consistent system on this.

Ms. Strano, let me ask you a quick question on this. The funding that you receive, is it all donations, is it all volunteers, or do you have a Federal contract?

Ms. STRANO. We do not have a Federal contract. As of now there is no Federal funding for asylum seeker services, which is something that I think should be examined to create this kind of consistent process that everybody is seeking a safe and orderly process. All of our funding comes from private sources at this point.

Senator LANKFORD. At this point, for you and your organization, are you gearing up more staff? Are you gearing up more facilities? How are you managing? What do you see on the future at this point in how your organization is trying to prepare for the future?

Ms. STRANO. Absolutely. Thanks for that question, Senator. We actually began in November speaking directly with the local ICE offices and CBP offices around what they were anticipating for increases. We began to expand capacity as a community. We work closely with collaborative community partners. We were able to expand our capacity at the Welcome Center, build a plan for folks to quarantine within the Maricopa County system, and we are continuing to scale up in case there are increasing arrivals, further than what we have already been seeing. But we have seen the biggest numbers we have seen since we opened.

We are fortunate, though, in adding more staff and having existing systems that are working to be able to process more people as more folks come through, and to make sure that folks are getting informed information about their COVID status, what their choices are. One hundred percent of the folks that we have encountered and tested and were found to be positive, we moved to quarantine hotels voluntarily.

Senator LANKFORD. The individuals who are coming to you in Phoenix, are these folks that are being delivered to you by Border Patrol, or how are they coming to you?

Ms. STRANO. We receive folks directly from the Yuma Port of Entry, which is currently the busiest port of entry in Arizona. They are being delivered primarily by ICE. CBP does their processing. ICE transports folks up to the Phoenix area. They process them into a program called Alternatives to Detention, which means that they do have a check-in within 10 or 15 days with Immigration, and will have many throughout the course of their legal process, prior to their court date.

These folks are all arriving with a legal process and paperwork. Sometimes they did not quite understand it so we go through it again with them, to make sure they can successfully participate in that process.

Senator LANKFORD. But they are departing from you within 72 hours at that point?

Ms. STRANO. Generally, unless they are in quarantine, of course, with is a 10-day process.

Senator LANKFORD. Then the next time that they will check in, basically, most of these would be family units of some type. Most of the time they will check in next with ICE in their hearing for their notice to appear, 2 to 3 years in the future.

Ms. STRANO. No. The next time they will check in with ICE is usually about 15 days after we have received them. The Alternative to Detention program is currently set up very similar to parole-type programs, where they have regular check-ins, they provide updates, Immigration checks in on where they are living, things like that. They do usually have at least one adult in the household has an ankle monitor at this time, or they have a SmartLINK GPS phone that tracks their movements.

They actually are staying in very close contact with Immigration throughout that process.

Senator LANKFORD. Most of the individuals then coming to you have an ankle monitor or some kind of link at that point, when they come to you?

Ms. STRANO. That is accurate.

Senator LANKFORD. OK. Let me ask Mr. Jones about how do we disrupt the flow of drugs coming across the border? As Senator Johnson mentioned before, one of the big pull factors for coming into the country, and one of the major issues for Central America is the flow of drugs into our country.

Many of the individuals that I have encountered—I have been on the Arizona border recently, I was on the Texas border twice in the past month, to get a chance to get an inspection of what is actually happening onsite—the most common things that I hear are obviously fear of what is happening in Central America for them. Eco-

nomic opportunity is a big issue. Almost everyone is coming because they have a relative that has a job for them.

The biggest issue for all of them is that they have a mom, a dad, a brother, a sister, an uncle, an aunt, someone that is already living here in the country, and most of those not legally present as well, and they are coming to re-engage with their family that has been here in the United States for a while, and they are reconnecting their family units here.

Much of this, though, has to deal with the some of the push out of Central America dealing with what is happening with drugs there and some of the gangs. What can we do in the United States, from what you have seen, to be able to deal with some of those issues on how we can deal with the drug problem?

Mr. JONES. Thank you, Senator. In terms of drugs moving across the border as opposed to people moving across the border, when we get west of the Rio Grande Valley, in other words, into New Mexico, Arizona, and the California border, most drugs are crossed either through tunnels or directly through the port, particularly the Port of San Ysidro is the largest land port in the western hemisphere, and there is a significant quantity of drugs entering the United States just coming straight through the lanes in that port.

Sinaloa cartel pioneered the use of tunnels to move drugs into the United States. A good tunnel can go a long way for them in terms of freely moving drugs across the border.

In the Rio Grande Valley, which is the entire Texas border, most drugs and people come straight across the river. It is extraordinarily difficult to police, from a CBP standpoint.

I think in terms of what we can do, from a law enforcement standpoint to help, is focus on technology, technology to detect tunnels, technology to figure a way to account for the fact that it is very difficult to build a wall in a river valley here in Texas. Separate from that, to account for the fact that sometimes in these ports where drugs are being moved across, it is because a CBP guy, or CBP personnel being bought off by drug cartels. There are some corruption issues on our end there at the ports, as well.

Senator LANKFORD. Senator Sinema, may I ask one more question?

Senator SINEMA. Of course.

Senator LANKFORD. Mr. Jones, let me ask you, as well—thank you, by the way, Senator Sinema. The Trump administration put in place a policy of working with the Mexican government, that they add additional National Guard to their Southern Border with Guatemala, and then with the Guatemalan government to also enforce their border with Honduras, and to be able to turn more people around.

The Biden administration, according to public reports, have also engaged now, in the last month, with that same policy, working with the Mexican government to be able to enforce their Southern Border, working with the government of Guatemala to be able to turn people around. I have had some conversations with leadership in the Guatemalan government. They have repeated that same statement to me, that they have worked with the Biden administration to start turning people around in Guatemala, so that they are not coming through Guatemala.

Tell me about that policy. Is that an effective policy? Is that a tool in the toolbox that should be used?

Mr. JONES. I think the experience of the Trump administration's efforts in those area show that it does work. There was, of course, the immigration spike around 2018–2019, and a lot of those policies went into effect after that, and we saw the numbers come down. If Mexico, Guatemala, Honduras, and El Salvador are enforcing their own borders, I think that is going to go a long way in terms of minimizing the numbers of migrants coming up to the United States. I suspect it is going to work in this case as well. The Biden administration has initiated that with Mexico.

Senator LANKFORD. Thank you. Thank you, Senator Sinema.

Senator SINEMA. Absolutely. Thank you so much.

Senator Lankford, I am going to ask a few more questions. If you have time and would like to stay, we probably have time for you to ask more questions if you would like, as well.

My next question is for the entire panel. Several people have brought up transportation challenges and the need to improve there. I am glad that Senator Cornyn and I included language on this very topic in our bill. But what I would like to ask you are what are the key things regarding improving DHS's capability to transport migrants that Congress needs to keep in mind when we are developing initiatives on this topic?

Ms. STRANO. I can kick that off, Senator Sinema, if you like.

One of the things that we have encountered with CBP, in particular, is the Anti-Deficiency Act often coming into conflict with their ability to transport folks far enough to reach services. That is the reason that oftentimes they have only been able to transport people to a small town instead of reaching into one of the bigger cities where there are resources.

I think that if we look at funding for CBP for transportation that it should be included within the scope of their work to transport people to a city with outward migration and services, which is already within the ICE scope of work and is the model that they follow. If that was paralleled in CBP, I think that would also help them effectively plan around funding and transportation in a way that is more consistent with the goals that everybody has, to make sure that folks are reaching services, and an opportunity for outward migration and not overtaxing rural communities.

Mr. GARCIA. Senator, if I might add on the transportation issue, in 2018–2019, ICE had the responsibility of using their bus fleet to transport individuals as they were being released to all the different shelters. ICE has a policy that allows them to transport people that are as far away as 8 hours. We were able to ask ICE to transport refugees to churches in Albuquerque, Las Cruces, obviously, which is only like a 45-minute drive. Beyond that, they cannot transport individual beyond that 8 hours, and so churches in Denver and churches in Dallas, Texas, that were willing to receive, we then had to charter our own busses to get them to Denver and to Dallas.

When the flow became so great that not even ICE could handle that, Border Patrol then started releasing individuals in smaller cities, for example, Deming, New Mexico, and Las Cruces, New

Mexico. They stopped transporting them to El Paso to be processed by ICE and then ICE transporting them to us.

When we asked Border Patrol about releasing people to smaller cities that have no transportation hubs, like in Deming, New Mexico, and instead bringing them to us, we found out that Border Patrol did not have a fleet of buses. Now they do. They still do not have an adequate number of licensed commercial drivers, so they are really not able to use their busses.

My point in this is that in terms of transportation, you are going to find a lot of churches, a lot of NGO's that are willing to do the work of hospitality, that are willing to recruit the volunteers. That is not going to be the issue. The issue is getting them to those sites, and for that you are going to need robust transportation, both in the hands of ICE and in the hands of the Border Patrol.

Senator SINEMA. Thank you. I appreciate that. We have had a similar issue in Arizona, where migrants have been released in very small communities, sometimes even in communities that do not have a bus stop or any way for folks to get their own transportation. I appreciate that.

Let me ask one final question and then I want to make sure there is time for Senator Lankford to ask a few questions before we head to the votes. Starting with Ms. Strano and then turning to Mr. Garcia, what aspect of this current influx of migrants surprised you and your organizations and required some unanticipated changes in order to successfully respond?

It is important for Congress and the administration to better understand what parts were unanticipated, what parts were anticipated, and then better prepare for these unexpected challenges in the future.

Ms. STRANO. I think the biggest surprise that we have encountered—and thank you for your question, sorry, Chairwoman Sinema—the biggest surprise that we have encountered this year has been the funding and allocation of resources to the private hotel contracts. We have been very grateful for the participation in weekly discussions with the White House team on the Border Welcoming Task Force, to discuss what models would work best, what systemic obstacles exist to the united goals that we have around safe, orderly process for everybody. But it does not feel like that contract was drafted with the community-based resources in mind as being the primary source of those kind of resources.

These shelters that have been established for years, especially a nod to my colleague, Mr. Garcia, Annunciation House has been a cornerstone of the community for so many years because of their ability to serve, and because of the wealth of services they provide. These resources are very important to be ongoing, sustainable, and available to our communities year-round with the ebbs and flows of asylum.

The type of emergency allocation to a private contract that does not last or sustain beyond a 6-month time period is again addressing asylum from an emergency perspective and not necessarily from a long view of how we can better improve our services in collaboration.

We would strongly suggest that the community-based resources be looked at as the first resources to reinforce and build, and not

these one-off and fairly expensive allocations of emergency funding to private contracts that will dry up in 6 months and leave nothing behind.

Senator SINEMA. Mr. Garcia, if you have a response I would like to hear it, as well.

Mr. GARCIA. I would say that for myself here in El Paso and Anunciacion House, the flow that we have been seeing since January 2021, of individuals that have been released to us, has actually been on the low side. It has been a number that has been very manageable for us, and that includes the reception of the individuals that are coming to us from MPP.

What is very surprising has been how Title 42 is being managed, especially the decision to fly a plane from south Texas to El Paso, and then to expel everybody on that plane, and discovering that the vast majority of these families had no idea where they were being flown to and were absolutely in shock when they were then expelled to Juárez, Mexico. Some of them did not even realize they were in Mexico until they had already been expelled, and that, to me, was beyond understanding, that we would fly that plane and then expel. Mexico then went on to say only 100, which I do not understand why that number. Why was it 100 and not 50 or not 70 or 0 that could not be expelled?

The Title 42 is a tremendous concern to me, as I look forward to the number of individuals that are going to continue to cross over. I am caught by the fact that many of the families that are crossing, that get encountered and then get expelled, continue to attempt to cross over, over and over and over again. I do not believe that is going to stop. It is going to continue until we have some kind of a response.

Senator SINEMA. Thank you so much, Mr. Garcia. Senator Lankford.

Senator LANKFORD. Thank you. I would say, in meeting with Border Patrol and CBP, they are very concerned that Title 42 authority will go away, and if that goes away, what will happen in the acceleration of additional individuals coming across the border? When I have spoken to Border Patrol and CBP, they brought that up over and over and over again, saying we have this incredible rush at the border right now, and if Title 42 authority goes away, that rush is going to accelerate to a whole different level, and it will move from unmanageable to really unmanageable at that point.

It will be interesting to be able to see the decision that President Biden and his team make on how they are going to enforce the border, and what that actually looks like for them.

Ms. Strano, I did want to ask you about the asylum process and what is going on and the challenge of this. You are trying to explain the asylum process to individuals that are obviously not familiar with our laws. They have been told by the cartels that are actually moving them through Mexico, with the smugglers, "Here is what to say when you get there." It is interesting, when I visited with children at the border and talked to families at the border and asked them, "Why did you come right now?" I get the exact same answer from each person. "It's dangerous in my country," and it is always that sentence and then they stop.

It has been very interesting to be able to visit with people. It is clear they have been coached to know exactly what to be able to say at that point. But when they get to you it is different. You are trying to help them know kind of what the next is, what actually happens at this point.

The backlog of over 1 million people, the very long delay for an asylum hearing, what effect does that have, and how do you explain that to people that you interact with?

Ms. STRANO. Absolutely. Thank you for the question, Senator. You are correct. Our point that we are encountering people, we are not talking to them about the veracity of their case or the basis of their case. We are talking to them about the next steps, to make sure they are informed, that they can participate in the process.

I will say that a very important aspect of an asylum case is the presentation of country conditions reports. Those reports are used to present what are the risks of violence and persecution that this person is facing back in their country. There are some fairly substantial information about the risks they are facing. For instance, femicides in Honduras. Very important information that when people say they are feeling danger, there is a lot to back that up. Winning their individual cases is, of course, a different matter entirely, and a lot of it has to do with their access to legal resources in determining their outcomes.

What we are offering and encountering at this point is that folks have had their information explained to them in a cursory way or not in their native language. We are making sure they understand about their check-ins, that they understand that their court date is coming. I absolutely agree with you that that prolonged period between the time that they cross and they time of their court date is against all of our shared goals. I think it is more humane to get them to that court process much sooner, because it is a very bad situation to be put in, to be in the country, seeking legal protection, but to not have a determination of whether you have legal protection or not yet.

I would definitely advocate for adding more immigration judges, increasing the docket size, and making sure also that there is more access to the types of legal resources that help the asylum seekers understand that process and successfully participate in it. We are in agreement about the length of time being too far, and a lot of that does have to do with dockets that backed up because of the delays caused by some of these processes, such as MPP, such as Title 42. There is a docket backup as a result. But I do think it would be addressed with more judges.

Senator LANKFORD. The docket is actually very old and continues to be able to grow, and obviously with so many people that we have encountered in the last couple of months, it has accelerated dramatically, to be able to get that number down.

You had mentioned, I think, a number earlier, of how many countries that you have encountered this year. How many countries have you encountered at your facility there in Phoenix?

Ms. STRANO. We have encountered folks from 43 different countries this year, although we are primarily seeing folks that are not eligible for Title 42 expulsion, and so those are people from further away distances. Our primary countries are Cuba, Brazil, Haiti, Ro-

mania, China, India. Most of the folks from Mexico and Central America are still currently being subjected to expulsion under Title 42.

Senator LANKFORD. Good. All right. That is very helpful. Senator Sinema, thanks. Thanks for allowing me to be able to drop a couple other questions in. I know that we have a vote that is ongoing at this point, so I will reserve my other questions for the record.

Senator SINEMA. Thank you, Senator Lankford. With that we have reached the end of today's hearing. We do have a vote going on in the Senate, so we will head over there. I want to thank the witnesses for their time and their testimony, and thank all of my colleagues for their participation.

Before we leave, I do want to announce that our next hearing will be the first of a two-part hearing on our nation's land ports of entry, how to improve security and better facilitate trade and travel.

Today's hearing record will remain open for 2 weeks, until May 13, 2021. Any Senators that would like to submit questions for the record for the hearing witnesses should do by May 13th. Thanks again. We are adjourned.

[Whereupon, at 3:55 p.m., the Subcommittee was adjourned.]

A P P E N D I X

**Opening Statement as Prepared for Delivery by Chair Kyrsten Sinema
Government Operations and Border Management Subcommittee Hearing: The Non-
Governmental Organization Perspective on the Southwest Border**

April 28, 2021

Welcome to the first hearing of the Subcommittee on Government Operations and Border Management for the 117th Congress.

I'm pleased to Chair this subcommittee and to partner with Ranking Member Lankford, just as we did in the 116th Congress. I look forward to working with him, the Chair and Ranking Member of the full Committee, and the rest of my Senate colleagues to address a wide array of critical issues.

Our subcommittee has an expanded jurisdiction this Congress. We will continue to examine important topics such as federal regulatory policy and a more efficient federal workforce, and I expect we will also look at how to improve the U.S. Postal Service and the decennial Census.

We will also focus significant time on a critical topic for my state of Arizona, and the entire nation – improving how we manage and secure our border.

I grew up in southern Arizona, so like a lot of Arizonans, I've seen firsthand how Arizona, and specifically small communities along the border, pays the price for the federal government's failure over decades to fix our broken immigration system.

As Chair of this Subcommittee, I will work to ensure Congress and the administration take meaningful steps to secure the border, support our border communities and NGOs, prevent the spread of COVID-19, and treat all migrants and unaccompanied children fairly and humanely.

Right now, our nation confronts a crisis at our Southwest Border. Since the beginning of 2021, we have seen an unprecedented surge of migrants arrive at border. The Department of Homeland Security (DHS) has reported 351,803 migrant encounters in just the first three months of 2021, compared to 107,732 during the same period in 2020.

This influx of migrants puts severe strain on both the Department of Homeland Security, and the Department of Health and Human Services. The men and women staffing those departments have worked tirelessly to help migrants while also securing the border, facilitating trade and protecting our communities.

But there are many others also working day and night to help migrants and respond to the ongoing crisis. I am pleased we have several of those individuals joining us today as witnesses.

Non-Governmental Organizations (N-GOs) play a critically important role managing the ongoing influx. Their efforts to provide migrants with basic assistance – including food, shelter and travel aid – is a key link in the ongoing effort to ensure migrants are treated fairly and our communities can successfully manage this crisis.

Without these NGOs, Arizona, our border states, our nation and the migrants themselves would be worse off.

That's why I worked with my colleagues to include \$110 million in funding in the last COVID package to provide NGOs and border communities with additional resources to assist migrants and protect our communities.

I look forward to hearing directly from International Rescue Committee and Annunciation House about how Congress and the Administration can improve its efforts to communicate and coordinate with NGOs. It is critical that Congress hear directly from NGOs about the challenges they face so we can craft solutions that make sense for everyone impacted by this crisis.

It's also critical that we always consider the security challenges of the ongoing influx. I look forward to hearing about actions Congress and the Administration can take right now to better secure our border and protect our communities from the threats posed by Transnational Criminal Organizations (TCOs).

Last week, I introduced bipartisan legislation with Sen. Cornyn in response to the ongoing crisis. The Bipartisan Border Solutions Act takes a number of important steps to respond to this influx by improving DHS processing capacity, improving legal assistance to migrants and ensuring DHS better coordinates and communicates with NGOs and local governments.

Our bipartisan bill represents a first step toward dealing with some of the challenges we see at the border. It does not tackle every challenge. I look forward to working with my colleagues, the Administration and outside stakeholders, including the NGOs represented today on our panel, to improve our proposal.

Thank you all for joining us today. I look forward to the testimony and the discussion.

Opening Statement
Hearing before the Government Operations and Border Management Subcommittee
Wednesday, April 28th at 2:30 pm

“The Non-Governmental Organization Perspective on the Southwest Border.”

Thank you, Senator Sinema.

I’m looking forward to working with you this Congress on this subcommittee. I know this hearing will be the first of many that will look at the security threats and process of our border management.

Thank you to our witnesses who I am sure will bring insight to the humanitarian crisis at our Southwest border

The March 2021 Southwest Land Border Encounters report from U.S. Customs and Border Protection paints an alarming picture. CBP encountered more than 172,000 migrants in the month of March alone, and nearly 570,000 migrants this fiscal year – to put that in perspective that is more than the entire population of the city of Tulsa in my home state of Oklahoma. The Preliminary data for April 2021 shows that we are continuing to see a surge of migrants crossing our border.

The number of unaccompanied children (UACs) crossing our border is currently on track to reach a 20-year high. In March 2021, CBP apprehended nearly 19,000 UACs. This historic surge of UACs is straining the resources of CBP and of the Office of Refugee Resettlement at an alarming rate.

The Non-Governmental Organizations (NGOs) appearing today are working hard alongside our government to address this crisis. Many of the advocates working with these NGOs are living out their faith and working to provide food and shelter to the most vulnerable.

While I’m grateful for the people, NGOs, churches, and religious communities that are serving people in this crisis, I am concerned about the broader series of policy decisions that created this crisis in the first place.

President Biden and his Administration on Day 1 began rolling back many of the policies President Trump put in place during a similar surge in 2019. These policies strengthened our security and stabilized our border. The policies now enrich the human trafficking cartels and put thousands of people in danger.

I took trips to the Southwest border during the 2019 crisis and during the ongoing crisis this year. As these pictures clearly show, things are much worse now than they were during the 2019 crisis.

The problems leading to this crisis are complex. Cartel violence, human trafficking and smuggling, the narcotics trade, depressed economies, the coronavirus pandemic, and slow economic growth in many Northern Triangle countries are leading migrants to take the journey north to our border for economic opportunities and to connect with family.

Addressing these problems requires a whole-of-government approach – We must build capacity in these countries, strengthen regional security, disrupt the transnational criminal organizations that fuel the violence, strengthen our border security, and provide for smart reforms to our asylum system and immigration laws.

This Congress, I look forward to working with Senator Sinema and my colleagues across the aisle to strengthen our country's border security, ensure better and more effective border management, and find constructive solutions to fix our broken asylum program and immigration laws.

Thank you for appearing before our committee today. I yield back, and I look forward to hearing from our witnesses this afternoon.

Testimony of Dulce Garcia, Esq.

Executive Director, Border Angels & Chair of the San Diego Immigrant Rights Consortium
 U.S. Senate Committee on Homeland Security and Governmental Affairs' Subcommittee on
 Government Operations and Border Management
 Wednesday, April 28, 2021

Chairman Sinema, Ranking Member Langford and distinguished Senators:

Thank you for the opportunity to submit testimony for the record. I am Dulce Garcia, an immigration attorney, DACA recipient and the Executive Director of Border Angels, a humanitarian aid and advocacy organization working along the U.S.-Mexico border. Our mission is to promote a culture of love through advocacy, education and community engagement to defend the rights of migrants and refugees. We collaborate with local, state and national partners to advocate for a just and humane immigration reform. This year, I sit as the chair of the San Diego Immigrant Rights Consortium, a coalition that brings together more than fifty diverse organizations across San Diego County that promote the civil and human rights of immigrants and refugees.

Border Angels has five main programs through which it seeks to fulfill its mission: water drops in the desert, *Familias Reunidas* Immigration Bond Fund, Green Cards for Kids that provides an immigration attorney for children in the custody of the county, Day Laborer Outreach, and the Shelter Aid Program. Although all of our programs are made necessary by our immigration policies, I will discuss our water drop program and shelter assistance in Tijuana, Mexico.

Water Drops

The Trump administration's invocation of U.S. health law, section 265 of Title 42, which expelled asylum seekers back to their country of origin, or in many instances, simply left them stranded in Mexico upon their arrival at the U.S. border or ports of entry, has led to tremendous harm. Many migrants, already having survived the arduous and all too often deadly journey from their country of origin, are left to face the grim reality: whether to return home or remain in Mexico, both of which put them in danger. For many, returning to their country of origin would be a death sentence, and conditions in Mexico, where some migrants remain in limbo for months and now years, are sorely lacking.

As a direct consequence, this leaves many migrants, including asylum seekers, desperate for an alternative. Many find that alternative by resorting to crossing in between ports of entry, making their migration journey, not only dangerous but life-threatening, as migrants attempt to navigate the unforgiving terrain along the U.S.-Mexico border with limited supplies. As a result of the increased militarization of the border and building of the wall, this treacherous journey has

become even more deadly. In 2019, [Border Patrol recorded 300 deaths](#)¹ of migrants, an increase from 2018. The number of lives lost on the Mexican side of the border are unknown but estimated to be much higher.

Our Water Drops are aimed at reducing the number of fatalities along the U.S.-Mexico border, and are conducted in the desert and mountain regions year round. It is common for our team to find remnants of consumed items, an indication that migrants are in need of humanitarian support. In some cases, macabre sightings of human remains are discovered and the lingering presence of death hangs in the air.

Providing humanitarian aid to shelters in Mexico

As a direct result of the dismantling of asylum protections by the prior administration, thousands of migrants, including children, have been forced to wait in Tijuana. Since March 2020, the border has been closed to non-essential travel; interestingly enough, seeking asylum is not deemed essential travel, consequently resulting in thousands more asylum seekers waiting in dangerous border towns until they are afforded the opportunity to present their asylum claim. This administration continues the practice started by the prior administration of expelling migrants to Tijuana, currently considered the most dangerous city in the world with [489 deaths](#)² recorded during the first three months of this year alone. In these dangerous border towns migrants are among the most vulnerable as they are often [targeted by traffickers, kidnappers and extortionists](#)³.

We support seventeen shelters in Tijuana with rent, utilities, and food for migrant families. Given the pandemic, some shelters are at max capacity. As the U.S. continued to enforce Title 42, people apprehended by Border Patrol in Texas were sent to San Diego to be expelled to Tijuana and transferred to the already impacted Mexican shelters. This last month, at any given night, two of the shelters we support would each receive as many as 100 migrants expelled in addition to the migrants arriving from the interior of Mexico. These shelters do not receive any financial support from the Mexican government, therefore it is up to each shelter to provide a bed, food, hygiene kits, and Personal Protective Equipment. Some of these shelters are incredibly run down churches and houses and provide very poor sanitary conditions. Some do not have working bathrooms or showers, lack handwashing stations and are unable to follow COVID-19 protocols. Migrants that were expelled indicated that they were not tested for COVID-19 by U.S. authorities, and did not have access to testing in Tijuana. Without the possibility of socially distancing in these spaces, COVID-19 is a grave concern for the shelter directors. One of the

¹ U.S. Border Patrol, Southwest Border Deaths by Fiscal Year (October 1st through September 30th), available at: https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Fiscal%20Year%20Southwest%20Border%20Sector%20Deaths%20%28FY%201998%20-%20FY%202019%29_0.pdf

² Fiscalía General del Estado de Baja California, "Incidencia delictiva registrada ante la fiscalía general del estado, Tijuana Baja California, 2021, available at: https://www.seguridadbc.gob.mx/Estadisticas/2021/inci_Tijuana.pdf?id=38556207

³ Wendy Fry and Gustavo Solis, "Asylum seeker targeted by kidnappers, extortionists and traffickers while waiting in Mexico," *San Diego Union Tribune*, July 29, 2019, available at, <https://www.sandiegouniontribune.com/news/immigration/story/2019-07-27/asylum-seekers-targeted-by-kidnappers-extortionists-and-traffickers-while-waiting-in-mexico>

directors passed away last month from COVID-19 complications. Although his wife continues managing the shelter, we miss him greatly.

Despite the poor conditions of these spaces, the Mexican government continues to route expelled migrants to these shelters. Some migrants have given all the money they had to a guide to help them cross and are therefore left without any money when arriving to Tijuana, leaving them with no other option but to stay at the shelters or to sleep outdoors at the entrance to the PedWest port of entry often referred to as “El Chaparral”. In the month of February 2021, the shelters in our network assisted a total of 1,077 migrants: 812 adults and 292 minors. There was an increase in March to over 1,400 migrants. We anticipate the number of shelter residents to increase in the upcoming months due to the increase in migration to the region and the continued expulsions under Title 42, which is just another provision used as an ongoing failed approach of border enforcement — leading to family separation and deaths.

The migrant encampment at *El Chaparral*, Tijuana

Since February 19, 2021, asylum seekers began arriving to stay at the San Ysidro Port of Entry, in an area known as *el Chaparral*. When word began to circulate that the U.S. government was going to begin to process individuals with open asylum cases that were returned to Mexico under the Migrant Protection Protocol program, people believed that their asylum claims would eventually be processed if they lined up and camped out at the port of entry that has been closed due to enforcement of Title 42. Currently, there are over 2,000 asylum seekers living in the encampment, including hundreds of children, sleeping in the street in tents where there is no aid provided by any government or international aid organization. The responsibility of providing basic humanitarian aid, including food, water, shelter and even restrooms, has fallen on local organizations.

On March 25, 2021 we arrived in Tijuana to support the encampment. We immediately noticed that migrants had no access to public bathrooms, they had to pay money for the use of private facilities and for some, it meant choosing between feeding their children or using the bathroom. Fortunately, we were able to contract with a private company and within twenty-four hours of our arrival, there were portable bathrooms in the encampment that were being cleaned everyday. The local Mexican government had promised for weeks that it would provide portable toilets. While they eventually provided toilets on April 6, 2021, they are not cleaned or sanitized daily, resulting in people disposing of waste in trash cans. There are no handwashing stations or access to potable water. We have had to take migrants to the doctor, including infants that were suffering from diarrhea and vomiting, likely from the unsanitary conditions in the encampment.

Aside from the poor sanitary conditions in *el Chaparral*, safety is a grave concern and one that continues to worsen daily. This area is known for high cartel activity including drug and human trafficking. Recently a woman arrived at the encampment shaking and evidently terrified as she

held her children. She told us that she had just been robbed of all of her money by the cab driver that had just dropped her off. The woman did not want to report the incident to the police because of fear and known corruption of police officers. We provided her with a blanket and a tent to sleep in. Stating that the need is great is an understatement, as families continue to arrive at the camp every day.

The migrants in the encampment organized themselves within the first weeks of arriving at the port of entry. They created a security guard team, a school for the children, a community kitchen and named the encampment *Esperanza*, meaning “hope” in Spanish. As the encampment grew, and more and more people received threats from local gangs, the security guard team felt unsafe and unprotected forcing them to dismantle the team and the only form of security at the encampment. The teachers that were operating the school also received threats from locals and were forced to leave the encampment. As fear has spread, tension continues to grow and is further exacerbated by the lack of information from this administration as to when and how it will process asylum cases.

People have been waiting for months for doors to open so they can make their claim to asylum and while waiting in Mexico, they have fallen victim to harassment, extortion, and robbery. We have received multiple reports of attempted kidnappings of children, at least one in which a report was filed. In another case, someone tried to abduct a toddler, who has special and medical needs. The mother received threats in her tent and at one point someone tried to grab her as well. The mother of the child was so afraid of filing a report, that we drove them to another city hours south of Tijuana. A week later, the woman and child returned to the encampment because the shelter was unable to provide food, clothing and toiletries.

We have asked migrants themselves why they won’t go to a shelter, and they answer saying that: they cannot afford the daily fee that some shelters charge; that shelters have equally poor, or worse, conditions as *el Chaparral*; some shelters require they leave during the day and return in the evening; some are not accepting new people because of the pandemic; some shelters are far away from the city in even more dangerous neighborhoods and further isolating them from services such as medical clinics; and most believe that if they are at the port of entry after Title 42 ends, they will be the first ones processed to make their asylum claim.

This week we began conducting legal consultations at the encampment to alleviate some of the anxiety migrants are experiencing due to the lack of information from this administration. During this legal clinic at *el Chaparral*, a woman told me crying that she had no choice but to send her teenage son to cross alone — it was the only way that he would have a chance to survive. She feared for his death if he remained in Mexico because the gangs they are fleeing from have a reach in Tijuana. Regardless of her fear and the growing threats of violence, the mother remains at the encampment with her youngest son, sleeping in the streets. This young child needs surgery

but cannot have it because of the risk of infection he would be exposed to while recovering living on the streets where they do not have access to potable water, bathrooms or food.

This is only one of many stories that I have personally documented while talking with parents confronted with the harsh decisions of staying in the encampment with their children or sending them alone with the hope that Border Patrol processes them. The U.S. government has abandoned families, children and adults that are fleeing persecution and violence, clearly disregarding their lives.

Recommendations: There are many things that could be done to minimize the number of migrants, who after considerable deliberation, still conclude that their best chance of survival is to cross the U.S.-Mexico border in between U.S. ports of entry.

1. **End Title 42 exclusions and expulsions.** Chief among our recommendations is the ending of the Title 42 exclusions and expulsions. The continuation of Title 42 ignores the reality that people face, the dangers that the policy exacerbates, and the difficult decisions facing migrants who seek to survive.
2. **Increase cooperation between government and NGOs.** Beyond the ending of Title 42 exclusions and expulsions, we recommend better cooperation between government agencies and NGOs. Coordinating drop-offs and transporting asylum seekers to shelters, like the Department of Homeland Security used to do in the past through Immigration and Customs Enforcement's Case Management program, would be a great start.
3. **Adequately fund NGOs to fill the humanitarian gaps.** Allowing more funds to become promptly available to NGOs, particularly during the Summer when it is the annual increase in migration, would also be invaluable to both sides of the border. This has been underscored by the American Rescue Act of 2021, which while not perfect, provided critical funds to NGOs providing shelter to families through the FEMA Emergency Food and Shelter Program.
4. **Partner with organizations on the ground.** DHS should partner with organizations on the ground because we have insight and community trust. Such coordination between the government, mainly DHS and NGOs, would save countless lives and would inevitably result in a more humanitarian reception and administrative processing of migrants seeking a better life for themselves and their families.
5. **Consider the impact on southern border communities.** This includes those in Mexico such as Tijuana. Humanitarian aid is necessary on the Mexican side of the border given that our policies of many decades continue to impact our border communities.

Our mission with Border Angels is based on love, an active kind of love. We're making a difference but it's not enough to alleviate the irreparable suffering our immigration policies are causing. Perhaps the government should work under a framework that is based on humanitarian principles rather than border enforcement that results in death.

Testimony of Beth Strano
Asylum Seekers & Families Coordinator, International Rescue Committee
 U.S. Senate Committee on Homeland Security
 and
 Governmental Affairs' Subcommittee on Government Operations and Border Management
Wednesday, April 28, 2021

Chairman Sinema, Ranking Member Lankford and distinguished Senators:

I am grateful for the opportunity to contribute to this committee hearing from the perspective of the International Rescue Committee, which has a unique vantage point as an operational NGO working across the full arc of crisis, from origin of crisis to eventual durable solution, serving individuals who are internally displaced, migrating, seeking asylum, resettling as refugees, or returning to their home country. In the US, IRC serves thousands of adults, children, and families seeking asylum and protection. Our services include humanitarian reception at the border, information for people on the move, comprehensive case management, legal representation, and post-release services for unaccompanied children. In my role specifically, I oversee the operations of our Welcome Center in Phoenix, Arizona, which is a 24-hour emergency services shelter serving newly arrived asylum seekers and their children.

The Phoenix Welcome Center

In Phoenix, Arizona, the IRC provides emergency humanitarian assistance and legal orientations at our 24 hour Welcome Center in collaboration with community partners, including Arizona Jews for Justice, Refugee Aid, Gathering Humanity, All Hands AZ, and so many others.. We also work closely with our sister shelters in Tucson, The Inn and Casa Alitas, providing a regional civil society response across the state of Arizona. Beyond Arizona, the Phoenix Welcome Center is a member of the Border Asylum Shelter Coalition (BASC), composed of well-established service providers offering critical reception services to families and individuals all across the border region from California to the Rio Grande Valley. This network of shelters has developed best practices over the years - now, with appropriate COVID safety measures - to safely receive asylum seekers, deliver immediate humanitarian assistance, and provide information regarding the next steps of their legal process.

Capacity. The Welcome Center had our busiest month ever in March, with 2,815 people served, a dramatic increase from only 92 people served in January of this year. In 2021, we have already served more than 5,800 people from 43 different countries, more than four times as many people as we served in 2020 when "Remain in Mexico," the Title 42 order, and other restrictive policies prevented individuals from seeking US protection. Our border shelter receives both newly arrived asylum seekers and their children as they are released from border processing as well as individuals released from longer-term detention at nearby Immigration and Customs Enforcement (ICE) facilities. At maximum capacity, the Phoenix Welcome Center can serve more than 4,000 individuals per month. This, along with our large network of volunteers

and community-based collaborations, allows us—like our sister shelters across the border—to flex our response as the number of arrivals fluctuates.

Humanitarian services. The families and individuals that we receive at the Welcome Center generally access our services for 24-72 hours while they connect to their U.S. based family members and sponsors. The Welcome Center provides temporary housing, in-kind donations, hot food and showers, legal orientations, referrals for legal and social services in destination locations, and transportation assistance so that families can safely join their relatives and sponsors while their asylum cases progress through the legal system.

Rapid response and COVID adaptations. At many times over recent years, the Phoenix Welcome Center, along with our sister shelters, has flexed its capacity to respond to a constantly evolving context along the border. In 2019, when the number of arrivals shattered records, we quickly pooled our collective resources, partnerships, and vast volunteer networks to meet the need, including by directly providing transportation from CBP custody in rural areas, bus stations, and from other locations where families had been dropped off without access to services. When the COVID-19 pandemic struck, we developed protocols in line with public health recommendations and made major changes to our program model in collaboration with our county health department to ensure all individuals who stay at our shelter are tested, provided with vetted information on public health safety, and given space to quarantine when needed.

Importance of legal orientations and referrals. Central to the Welcome Center's program model is our focus on providing legal orientations and meaningful referrals to legal and social services in destination locations. With each family or individual we serve, IRC reviews immigration paperwork to ensure all our clients understand that they will need to follow two processes in their destination locations: check-in appointments with ICE as well as the immigration court process. As a result of this work, we have developed three critical learnings. One is that while clients arrive to us exhausted, they are in a position—mentally and emotionally—where they can begin to absorb the complex information that they will need to successfully navigate the US immigration system. Many of our clients have told us that upon arriving at the Welcome Center that they felt a sense of relief and for the first time were able to think beyond their immediate situation and about their next steps. Second, we estimate that in about 20% of cases we serve, there are mistakes in their immigration paperwork. Common issues include orders of supervision requiring the client to attend a check-in at an ICE office in a different state from where they will be living, and other mistakes that would likely make it impossible for individuals to comply with their reporting obligations. We work with our local ICE contacts to correct these errors and ensure our clients are on the right track in their cases. Third, it takes a vast national network of community-based partnerships to provide meaningful referrals to families and individuals in their destination locations. Throughout the US, hundreds of expert organizations provide community-based services to asylum seekers and immigrants, as shown by a recent [survey conducted by the American Immigration Council and Women's Refugee Commission](#). IRC has flexed its partnerships around the country to improve our ability to provide meaningful referrals. But without appropriately resourced national coordination, we

face challenges ensuring our clients have access to services in their destination locations and a fair chance to successfully pursue their asylum claims.

The United States is one of the most resourced countries in the world, with the capacity to provide protection and implement policies that offer refuge for the most vulnerable. The concept of offering safety to travelers and immigrants is deeply embedded in our culture as a representation of our best natures. "Give me your tired, your poor, your huddled masses yearning to breathe free" still inspires us to become the America that Emma Lazarus believed in, that Langston Hughes wanted to exist beyond our greatest hopes, that Cesar Chavez saw as "broad enough to include the aspirations and needs of others, for their sakes and for our own."

Previous administrations implemented restrictive immigration policies that drastically limited access to U.S. humanitarian protection pathways, militarized and blocked access to safety for asylum seekers on many borders, and perpetuated the myth that inhumane treatment works as a mode of deterrence. In reality, making the road harder for those who are already fleeing violence and persecution does not change their need to seek safety, but it does reflect on our willingness to provide it. Combined with the marked increase in forced displacement in Mexico and Central America and a reduction of U.S. aid to the region, these policies have severely exacerbated the preexisting humanitarian crisis. The federal government is now facing a triple challenge of unwinding inhumane policies from former administrations, responding to the current humanitarian crisis in the Northern Central America region and competently and humanely supporting an increase in arrivals of asylum seekers at the U.S.- Mexico border - all during a pandemic.

Recommendations

We are thankful for the engagement that community-based organizations and NGOs have had thus far with the Biden administration, in line with the President's Executive Order calling on the Department of Homeland Security (DHS) to consult with NGOs to develop policies and procedures for safe and orderly processing of asylum claims at land borders. Before assuming office, the President stated that "[humanitarian needs are best met through a network of organizations, such as shelters, non-governmental aid organizations, legal non-profits, and refugee assistance agencies working together.](#)" We recommend that the U.S. government now bring its engagement with NGOs to the next level and scale up capacity and partnerships with community partners and NGOs with demonstrated success at competently meeting the comprehensive needs of asylum seekers.

Safe and reliable transportation to border shelters in transportation hubs. Furthermore, safe and humane processing of individuals and families at the US-Mexico border must include direct, safe, reliable and well-coordinated transportation of people to the nearest border shelter or safest equivalent in the U.S. In Arizona this year, community partners have had to react quickly to releases of asylum seekers in small communities such as Ajo and Gila Bend, neither of which have any public transit centers. While the nimble and collaborative work that has gone into that response effort is commendable, it should not be expected that under-resourced

communities will be able to provide transportation for 30-100 released asylum seekers with less than a few hours' notice, during a pandemic. It is necessary to equip border shelters to assist in providing transit coordination and referral to longer-term support in host communities across the U.S.

The overwhelming majority of asylum seekers arrive with family or friends in the U.S. ready to welcome them. For those who do not, unfortunately there exists very limited support. The administration and Congress should expand existing programs that offer reception services for these individuals and families. Refugee resettlement agencies can be funded to work in tandem with existing providers and key partners to provide stable housing, facilitate family reunification, and refer to other critical needs such as medical and legal support. Sustainable and formalized funding provisions assist in defraying operating costs for shelters and increase their capacity to serve as resilient community resources with a lasting positive influence on the border region.

Partnering on an outcomes-driven, community-based response at the border. IRC has been grateful for the allocation of funding last year via the Federal Emergency Management Agency (FEMA) to reimburse costs associated with providing food and shelter, and welcomes the recent announcement in the FY2021 funding opportunity that expands eligible activities to include a broader scope of transportation, non-congregate sheltering, and medical costs. We recommend that Congress now partner with members of the Border Asylum Shelter Coalition to develop an outcomes-driven model of humanitarian reception that sets people up for a better chance of success in their pursuit of US protection, and in turn contributes to the fair and orderly processing of asylum claims. This could be accomplished by providing new affirmative grants through FEMA or another agency, in addition to reimbursing costs. We believe the services offered at border shelters can and should serve as a gateway to a truly fair and humane asylum process, leading to better, human-centered outcomes, including greater access to services in destination communities and fewer *in absentia* orders. We need a stronger partnership with the government to appropriately resource the national coordination, monitoring and evaluation, and referral mechanisms needed to bring an outcomes-driven model of humanitarian reception to scale.

Through our work, we can speak to the risks associated with not providing appropriate community-based services at the point of reception. As noted previously, approximately 20% of the people we serve at the Phoenix Welcome Center have needed assistance to address mistakes in their immigration paperwork. Moreover, without the legal orientation we provide, most individuals are unaware of what comes next in their immigration case, including the fact that they will be required to appear before an immigration judge. Without referrals to legal and social service providers who often serve as a safety net against exploitation and trafficking, more vulnerable individuals could fall victim to abuse. Indeed, strengthening the response of border shelters is particularly critical for vulnerable populations like women, children, trans, queer, and non-binary asylum seekers, and indigenous language speakers who need additional and specialized support, both at the immediate point of reception to meet humanitarian needs and with a forward-looking orientation.

Protection-centered, community-based case management in destination locations.

Services in destination locations should be scaled up in tandem with the formalization of the humanitarian reception at the border. Case management is a proven mechanism for receiving asylum seekers in the community in line with international standards and meeting the government's need to ensure compliance with immigration court appearance obligations. Yet there is no system to ensure they receive meaningful referrals to providers in their destination locations and while IRC and others have flexed our national partnerships to increase the effectiveness of our referrals and hundreds of organizations provide quality services across the country, our capacities have been limited in the absence of federal funding. IRC is working in close collaboration with other national resettlement agencies, including HIAS, Lutheran Immigration & Refugee Service, and the US Conference of Catholic Bishops, among others, to develop an outcomes-driven model of protection-centered, community-based case management. The government should implement, without further delay, such a nationally coordinated effort that supports asylum seekers in finding safety and stability, while empowering them to fully participate in the legal process.

The IRC Welcome Center in Phoenix remained open all throughout 2020 with strong COVID protocols in place, but we also saw many of our partner shelters in other border states lose funding and support and go offline. In anticipation of the implementation of more humane immigration policy and recognition of international protection, dedicated humanitarian organizations and border shelters have implemented onsite COVID testing, expanded their physical capacity, and in some cases, even reopened their doors to ensure that people seeking international protection and asylum receive a warm welcome, and the resources to reach their families safely.

Congress must invest in strengthening capacity across the border shelter network to ensure the resiliency of these community-based resources, establish standards of service provision, and ensure that all asylum seekers beginning their legal process receive immediate humanitarian assistance. These capacity investments should be provided in tandem with critical services beyond shelter, food, and transit assistance, and follow best practices in providing legal orientation and referral to psychosocial and other medical services. A diversity of shelter models have evolved to meet the unique challenges and offerings of specific geographies and communities along the U.S.- Mexico border, and the administration and Congress should seek to preserve and consult local expertise, as well as create and strengthen community resources that benefit the border region throughout the constant shifts of asylum and protection needs.

We urge Congress to support the existing network of border shelters and community-based resources so that we can serve asylum seeking families and individuals more effectively and expand capacity to meet fluctuating needs. In partnership with UNHCR, our border shelters have created formal proposals and [toolkits](#) regarding best practices that can be implemented by civil society organizations, with a long view toward maximizing the potential to serve as the first point of reception and a gateway to a safe, orderly, and protection-forward asylum process.

We understand that the federal government is still unraveling the harmful policies of previous administrations and this will take time; however, it is our wholehearted belief that the U.S. has the ability to lead in demonstrating our humanity and solving the current challenges in a manner that ensures protection for the most vulnerable. We urge you to deepen your partnership with NGOs that have decades of experience and expertise providing these services, can work with you to develop an outcomes-driven model of humanitarian reception that serves multiple humanitarian and immigration policy goals, and maximizes the capacities of community-based organizations to rapidly respond to fluctuating needs. A competent, sustainable, and protection-forward system is a matter of political will as much as policy.

I close with the words of Langston Hughes, and his vision of America as a country where the American dream was intended to be accessible to all, and especially those who have fled violence and persecution in search of hope and safety.

*"Let America be America again.
Let it be the dream it used to be.
Let it be the pioneer on the plain
Seeking a home where he himself is free."*

I thank you and the members of the United States Senate for the opportunity to provide the IRC's perspective. I look forward to addressing your questions.

The Non-Governmental Organization Perspective on the Southwest Border

Subcommittee on Government Operations and Border Management

Committee on Homeland Security and Governmental Affairs

United States Senate

April 28, 2021

Joshua P. Jones
Senior Fellow in Border Security
Texas Public Policy Foundation

Thank you Chairwoman Sinema, Ranking Member Lankford and the other Members of the Subcommittee for the opportunity to testify today.

I am a Senior Fellow in Border Security at the Texas Public Policy Foundation. My comments and recommendations today are my own and do not necessarily reflect those of the Foundation.

Until December 2020, I was an Assistant U.S. Attorney in the Southern District of California, and I had been a prosecutor in the U.S. Department of Justice for approximately seventeen of the prior eighteen years. For the last twelve of those years, I worked almost exclusively on investigations and prosecutions of transnational criminal organizations in Latin America, first from the Criminal Division of Main Justice and later from the U.S. Attorney's Office in the Southern District of California. In my last 18 months with the Department, I served on the Attorney General's Joint Task Force Vulcan, which coordinated domestic and international investigations into the MS-13 Transnational Criminal Organization. In that capacity, I coordinated task force efforts in Mexico and parts of Central America.

Before migrants reach the southern border of the United States, they endure tremendous hardship. The hope of receiving the tender and accommodating care of the operational NGO industry represented by my fellow witnesses is but one of the many "pull" factors that draw these

migrants to engage in a dangerous odyssey which, in many cases, requires them to become victims of disease, malnutrition, dehydration, rape, and assault.

Today, I want to share with you the political and social climate – the “push” factors, if you will – that exists in Mexico and the Northern Triangle. These “push” factors drive the unprecedented levels of migrants into the welcoming embrace of these NGO’s, whose efforts to care for and subsequently release the migrants into the US interior are so prominent and all the more vital due to the Biden Administration’s policies at the southern border.

While I do not have direct professional experience working for or with an operational non-governmental organization, I have experienced the impacts of increases in illegal immigration and various changes in immigration enforcement policy on a border district. I also have participated in investigations of nearly every major transnational criminal organization in Mexico and the Northern Triangle countries. I am familiar with the impact that these criminal organizations have on migration to the United States from Mexico and the Northern Triangle countries.

I. Criminal Organizations in the Northern Triangle

While Mexican criminal organizations have a limited presence in the Northern Triangle countries, two El Salvadoran transnational gangs—MS-13 and 18th Street—control most of the territory in the Northern Triangle. These gangs, which are transnational in nature and extend into urban and suburban areas throughout the United States, serve as a primary motivating factor in migration to the United States, particularly from Honduras and El Salvador.

As a prosecutor on Joint Task Force Vulcan, I listened to multiple anecdotal accounts of the gangs “taxing” residents and businesses in the territory they control. If the resident or business is unable or unwilling to pay the tax, the gang carried out acts of violence on the resident or business owner. The gangs also “recruit” young males, typically 12-14 years old, by forcing them, on threat of death, to join the gang for life. In these cases, the resident, business owner and/or young male are often left with few options other than making the trek north toward the United States.

The smuggling organizations that arrange for individuals or caravans to be transported into the United States are typically very small groups with transnational criminal organization contacts throughout Guatemala and Mexico. The organizations typically charge \$4,000 to \$10,000 per person. It is unclear how indigent Central Americans can make that payment, although there are anecdotal accounts in open-source media of criminal organizations maintaining contact with immigrants after the immigrants are settled in the United States, and continuing to collect payment. There are other accounts of young migrants becoming victims of sex trafficking or slave labor rings in lieu of payment. I am aware of one young male who was smuggled into the United States from a Northern Triangle country and subsequently arrested while attempting to cross a very large quantity of an illegal drug into the United States. There was some evidence that his drug trafficking activity was performed as a part of his payment to his smugglers and/or the Mexican criminal organization that facilitated his entry into the United States.

II. Criminal Organizations in Mexico

The migrant's trek to the southern border of the United States includes transportation along the common contraband trafficking routes in Mexico. Such routes include "plazas," or cities along transportation routes controlled by Mexico's transnational criminal organizations. The criminal organizations charge a tax for anything, whether migrants, illegal drugs or, in some cases, legal merchandise, that is moved through their territory. It is also along the transportation routes through Guatemala and Mexico that local criminal organizations frequently exploit migrants, at times committing acts of sexual violence against women.

The transnational gangs of the Northern Triangle, MS-13 and 18th Street, have been moving into Mexico in large numbers. The gangs have a significant presence in the Mexican State of Chiapas and other states in southern Mexico, and there is now a separate "program," or operating division, of MS-13 specific to Mexico. MS-13 leaders have also moved from El Salvador, where law enforcement cooperation with the United States has improved in recent years, to Mexico, where U.S. law enforcement does not have a similar cooperative relationship with Mexican law enforcement counterparts. In my time working with the Government of Mexico as part of Joint Task Force Vulcan, it was apparent that, on the federal level, Mexico is ill-prepared to address its growing presence of Northern Triangle gangs. Mexico has thus become a safe haven for MS-13 (and likely 18th Street) gang leadership, with gang leaders ordering acts of violence in the United States from that safe haven.

In the border towns connecting the United States and Mexico, there is a convergence of the Mexican transnational criminal organization controlling the port of entry, the Northern Triangle gang presence that often is directly involved in the smuggling of Central Americans into the United States, and the migrant caravans or individual migrants who have trekked thousands of miles north and are at the mercy of those criminal organizations. Anecdotal stories, some of which I heard through various human sources in my time as a federal prosecutor and some of which are told on open-source media, include accounts of drug traffickers manipulating large caravans to cross into the United States at certain areas of the border to divert the attention of U.S. Customs and Border Protection officers from a drug load they are moving across another section of the border. Other accounts involve Northern Triangle gangs cooperating with drug traffickers, where the criminal organization controlling the port of entry allows gang-sponsored migrants to cross the border if the migrants carry backpacks filled with illegal drugs, called "mochilas," on their journey. After the migrants arrive in the United States, they are told to deliver the backpacks to drug traffickers in the United States.

Other anecdotal accounts exist of migrant smugglers trafficking minors of Northern Triangle origin to the United States, where current policy guarantees entry and placement by the Department of Health and Human Services, often in coordination with non-governmental organizations. At ports of entry, adults will falsely claim to be parents of minors entering the country in order to gain entry themselves. The minors are often then returned to Mexico to be paired with another set of adults falsely claiming to be their parents. In other cases, minors are placed by an overwhelmed Department of Health and Human Services with "families" that are actually sex trafficking rings or forced labor camps.

In summary, the Mexican transnational criminal organizations are much more than drug traffickers. They effectively monopolize the “distribution channels” for all things and persons trafficked between the United States and Mexico, and they will seek to profit off anything moving through those distribution channels. In an immigration crisis, the criminal organizations profit in any way possible from the influx of migrants going through their territory, with the migrants becoming the tragic victims.

III. Recommendations

With regard to the interplay between non-governmental organizations and the Department of Homeland Security (DHS), it is important that such organizations receive training from DHS in identifying victims of human trafficking, gang members, and other signs of ongoing criminal activity perpetrated by the criminal organizations at the border. With DHS overwhelmed by the numbers of migrants crossing the border, both legally and illegally, non-governmental organizations can be force multipliers in detecting the presence of criminal organization activity.

For near-term mitigation of the border crisis, a policy requiring asylum applicants to begin the asylum process at the U.S. embassy or consulate in their home countries should reduce the volume of migrants from the Northern Triangle. Such a measure, however, should be coupled with the provision of increased security and/or safe haven facilities in the home countries for persons facing immediate threat of death from local gang members. Increased levels of security could be provided by private security contractors in coordination with counterpart law enforcement. Safe haven facilities could be provided by non-governmental organizations operating in the Northern Triangle.

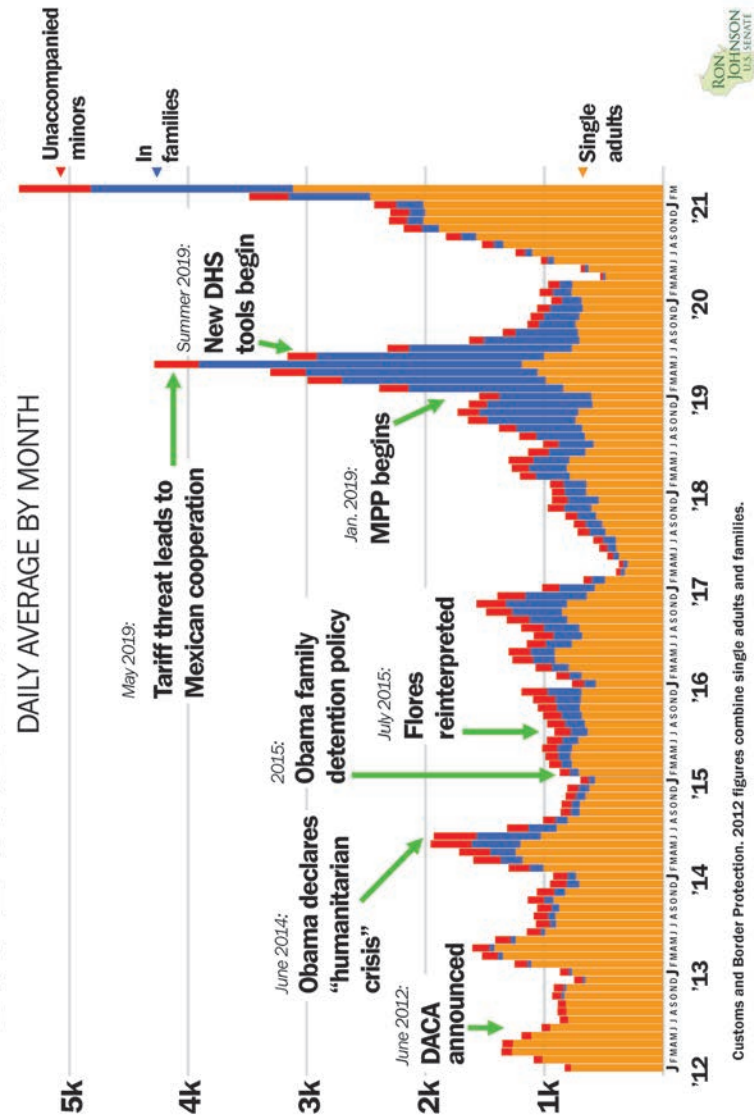
Long-term solutions to the recurring border crises involve both investments in the future of the Northern Triangle countries and changes to U.S. asylum policy, improved DHS technology at the border, increase in DHS personnel and Department of Justice personnel assigned to prosecute immigration cases as necessary, and a more aggressive diplomatic approach to the Government of Mexico, particularly in its bilateral relationship with U.S. law enforcement. With regard to economic development in the Northern Triangle, the U.S. government approach must account for systemic corruption and the aforementioned lack of security in the region.

Chairwoman Sinema, Ranking Member Lankford and the other Members of the Subcommittee, thank you again for the opportunity to testify, and I look forward to answering your questions.





SW BORDER APPREHENSIONS





Statement submitted to the U.S. Senate Committee on Homeland Security & Governmental Affairs
Subcommittee on Government Operations and Border Management

Hearing on "The Non-Governmental Organization Perspective on the Southwest Border"

April 27, 2021

HIAS is a Jewish humanitarian organization that provides vital services to refugees and asylum seekers in 16 countries. We advocate for the rights of all forcibly displaced people to rebuild their lives.

As an organization working along the United States Southwest border, HIAS welcome this hearing and this opportunity to share our experiences. We provide legal services and support on both sides of the U.S. Mexico border, including free legal representation for asylum seekers. Through our robust pro bono program in the United States, and with the assistance of our seven offices in Mexico, we provide asylum seekers with knowledge of their rights and responsibilities; assist them in preparing asylum claims; and help them secure access to health, employment, and social services. This work is driven by our commitment to the fundamental rights and core needs of asylum seekers and other forcibly displaced people as they navigate complex legal systems and work to rebuild their lives.

HIAS is proud of in the assistance that we provided in unwinding the Migrant Protection Protocols (MPP) aka Remain in Mexico. As you know, under MPP some asylum seekers were returned to Mexico to wait for their asylum hearings in a U.S immigration court. Asylum seekers had to wait in areas of Mexico so dangerous they had the same State Department travel advisory level as Syria and Afghanistan.¹ Under the Biden administration, this program is thankfully being dismantled, with asylum seekers in Mexico with active MPP cases in front of the immigration courts being allowed into the safety of the United States to pursue their asylum claims. To support this effort, HIAS helped to provide referrals for individuals to enter the U.S. for their asylum cases to be heard. We also provide extensive community education to asylum seekers waiting in Mexico, including "Know Your Rights" presentations and remote meetings with

¹ Compare the travel advisory for Tamaulipas (<https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Mexico.html>) with the travel advisory with Syria (<https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/SyrianArabRepublic.html>) and Afghanistan (<https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Afghanistan.html>)

experienced U.S.-based asylum attorneys. Before the Matamoros camp closed, we also provided on-the-ground assistance to help asylum seekers in the camp with their immigration paperwork.

In addition, HIAS serves those who have been expelled to Mexico under the misuse of our public health laws. U.S. borders have essentially been shut down to asylum seekers since March 2020, under the guise of protecting the United States from the spread of COVID-19. Using an obscure law codified in Title 42 of the United States code, Custom and Border Protection (CBP) rapidly “expels” individuals from the United States without giving them the opportunity to apply for asylum. Over half a million expulsions have taken place since the policy began being used last year.² This is despite medical professionals repeatedly saying that there is no public health justification for this. These experts have repeatedly pointed out that asylum seekers can be safely processed using common-sense techniques like hand-washing and social distancing.³ The Biden administration no longer rapidly expels unaccompanied minors,⁴ but HIAS believe no person should be subjected to rapid expulsion and denied a chance to ask for protection.

We of course have also been closely monitoring the increased number of unaccompanied minors arriving at the U.S.-Mexico border and the increased apprehensions of adults attempting to enter the United States. We believe that these increases are likely due to several factors, including seasonal differences in when people make the journey to the United States and the inability of people to ask for asylum in the United States due to CBP rapidly expelling asylum seekers under Title 42.

HIAS will always support the right of individuals to seek protection, and we urge the administration and Congress to work together to uphold our domestic and international commitments. To accomplish this, the administration should immediately end the rapid expulsion of asylum seekers at the border. It should also expand the current effort to unwind MPP, as the current program to unwind the program excludes those asylum seekers formerly in MPP or subjected to related programs such as the Prompt Asylum Claim Review (PACR), Humanitarian Asylum Review Process (HARP), or the asylum cooperative agreements. These individuals never had a realistic chance of obtaining asylum, and the administration should allow these asylum seekers a fair chance at asylum while waiting in the safety of the United States. Finally, the administration and Congress should work to reunite unaccompanied minors with sponsors as quickly as possible. While the unaccompanied children are in government care, every decision should be made with their best interest in mind. The administration should ensure unaccompanied minors are held in shelters with as few beds as possible, in settings as non-carceral as possible, and with standards meeting or exceeding state licensing requirements. Our country should welcome those seeking protection, and their due process rights should never be sacrificed for the sake of expediency or deterrence.

² According to CBP, they carried out 197,043 expulsions in FY 2020, see <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy2020>, and 317,590 so far in FY 2021, see <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>

³ <https://www.publichealth.columbia.edu/public-health-now/news/public-health-experts-urge-us-officials-withdraw-order-enabling-mass-expulsion-asylum-seekers>

⁴ <https://www.usatoday.com/story/news/politics/2021/03/26/biden-continues-title-42-immigration-policy-but-now-allows-children/4798100001/>

**Post-Hearing Questions for the Record
Submitted to Ruben Garcia
From Chair Kyrsten Sinema**

**Subcommittee on Government Operations and Border Management
“The Non-Governmental Organization Perspective on the Southwest Border”
April 28, 2021**

1. Communication and coordination between DHS and NGO partners are crucial to successfully manage the ongoing migrant surge. We saw in 2019 and again this year that communication failures often negatively impacted Arizona communities and migrants. How have you established lines of communication with local ICE leaders, and how has that communication changed over time?

When the first wave of families happened in 2014, ICE reached out to Annunciation House. Since then, I have had direct lines of communication with the heads of ICE, BP and OFO. The lines of communication have been good because there has been a willingness on the part of all to maintain those lines of communication. My sense is that the heads of ICE, BP, and OFO have a self interest in ensuring that communication with NGOs is solid and this has in fact been the case.

2. In Arizona, DHS has on multiple occasions directly released COVID-positive migrants into our communities, without informing NGOs or local communities beforehand. Have you received any COVID-positive migrants from DHS? If so, were you given prior notification of the migrants' COVID status?

Annunciation House has received and continues to receive undetermined COVID refugees. We are notified if the individuals have been tested or not. If they have not been tested, they are tested at the hospitality sites operated by Annunciation House. Our preference would be that all individuals be COVID tested by BP and BP has been very insistent that they lack the capability to do testing.

3. In your testimony, you recommended that DHS use a system similar to the one used after MPP ended to unwind Title 42 when the Title 42 expulsions ultimately end. What differences between MPP and Title 42 returnees should be considered when DHS eventually tackles this issue?

Title 42 refugees are asylum seekers. Presently the U.S. Government is using Title 42 as an enforcement mechanism to keep asylum seekers from remaining in the U.S. If the day comes when Title 42 is actually lifted, there is going to be a wave of refugees crossing the border. An alternative is to set up a web based registration system where asylum seekers register and provide all required information. For MPP UNHCR has such a web

registration site called CONECTA. The registration is followed with a telephone interview during which the registration information is verified and the asylum seeker is provided with an appointment at the U.S. Consulate in Juarez or similar location for biometrics and presentation of identity documents. Finally, after the biometrics appointment the asylum seeker is called and notified of the date and time that they are to present for COVID testing, and if Negative, transportation to a POE for entry into the U.S. This system is very similar to what UNHCR has been using with MPP. The significant difference is that when MPP refugees were initially processed, BP did the biometrics, photos, identify document verification, etc. and entered them in their computer system. Title 42 asylum seekers are not in the system and that's why a biometrics appointment at the U.S. Consulate is necessary.

**Post-Hearing Questions for the Record
Submitted to Beth Strano
From Chair Kyrsten Sinema**

**Subcommittee on Government Operations and Border Management
“The Non-Governmental Organization Perspective on the Southwest Border”
April 28, 2021**

1. My office has received reports that asylum seekers with complex health conditions are not receiving appropriate care from DHS, among other issues. What is the one key improvement policymakers should work towards to ensure our border communities are protected and migrants are treated fairly and humanely?
 - It is critically important, particularly during a pandemic, that the government follow public health protocols when interacting with asylum seekers. At the Welcome Center, we also have protocols that ensure we are able to communicate with asylum seekers, understand their needs, and provide wrap-around services to the best of our ability addressing their needs. DHS has detailed health protocols, and personnel at all levels of the Department need to be trained to focus on an approach that prioritizes the health and safety of asylum seekers, while taking a humane approach that recognizes the trauma many have endured. The public health of our communities must be approached holistically, and this includes resourcing the acute needs of those seeking safety through the asylum system.
2. As you stated in your testimony, the International Rescue Committee has a unique vantage point as an NGO that works across the “full arc of crisis”, including the countries of origin for many of the asylum seekers that are arriving at the Southwest border. Based on this unique perspective, what feasible options exist for the US government or NGOs to address the root causes of this violence?
 - The root causes of migration from Northern Central America are complex, but a comprehensive approach by the U.S. government includes investing in humanitarian assistance in the region, supporting opportunities for people to find safety in their communities of first refuge, supporting returnees to reestablish their lives, building protection capacity and alternative pathways in the region, and taking a surgical approach to improve regional challenges like breaking the cycle of violence, utilizing a trauma-informed approach/wrap-around services, and supporting community leadership in addressing the impacts of climate change. The IRC released a report last month which goes into greater detail on the causes of migration from the region and what each of these solutions looks like in greater detail. I have enclosed a copy of this report, titled [“Communities in Crisis: Policy Recommendations to Address the Humanitarian Crisis in Northern Central America.”](#)
3. Most asylum seekers’ final destinations are beyond the border states, and one of your recommendations is that the federal government create a system to ensure asylum seekers receive meaningful referrals to case management providers in their destination location. What are the potential risks and rewards associated with this approach?

- The evidence shows that extended case management, based in the community, is a more humane approach to address asylum seekers' needs, provide information on the asylum process, and direct people toward resources that may help them with their cases. The outcome here is that compliance remains high – when given all the information and informed about a process that treats people both humanely and fairly, people appear for their proceedings – they want to make their case. When the system is bogged down with roadblocks that intentionally make the asylum system more complicated and punitive, this creates the backlogs we have today. Humanity, and justice, demands a different approach.
 - a. What factors would you recommend be considered while improving asylum seekers' access to case management?
- The U.S. government needs to build in an extended case management system to how we think about asylum. DHS has posted an RFI on exactly this subject, and as they think about how to build in extended case management, they should look to organizations that have a humanitarian mission and deep expertise in communities affected by displacement and immigration to the United States, a track record of community-based case management, and partnerships with immigration legal service providers. Success of such a program should be measured by outcomes related to safety, stability and ability to access fair due process of those enrolled – not defined by compliance with enforcement interfaces.

Communities in Crisis

Policy Recommendations to Address the Humanitarian Crisis in Northern Central America

International Rescue Committee | June 2021

EXECUTIVE SUMMARY

- Northern Central America is facing an unprecedented and growing humanitarian crisis, compounded by pandemic lockdown-induced economic slowdowns, growing violence on the streets and in homes, and natural disasters.
- In confronting regional challenges, success will rely on a collaborative and integrated humanitarian and development response plan to address the causes, effects and impact of regional migration, while also developing and implementing solutions that increase protection capacity and pathways for individuals fleeing violence, persecution and life-threatening situations, whether they remain in their countries of origin or seek safety elsewhere.
- The Biden Administration has committed to investing in both humanitarian and development aid to Northern Central America and working closely with civil society, international organizations, and the governments in the region to address the multi-factorial causes of migration in the region; build, strengthen, and expand Central and North American countries' asylum systems and resettlement capacity; and increase opportunities for vulnerable populations to receive for protection closer to home.
- The International Rescue Committee recommends that durable solutions to address the root drivers of migration from origin of crisis to safety (whether in country of origin or country of asylum) depend on viewing the region through the lens of humanitarian crises, responding to humanitarian needs including providing for immediate safety and protection, access to information for decision making, and rethinking development programming to include wrap around support for recovery and reintegration for displaced populations.

The International Rescue Committee responds to the world's worst humanitarian crises, helping to restore health, safety, education, economic well-being, and power to people devastated by conflict and disaster. Founded in 1933 at the call of Albert Einstein, the IRC is at work in over 40 countries and 26 U.S. cities helping people to survive, reclaim control of their future and strengthen their communities.



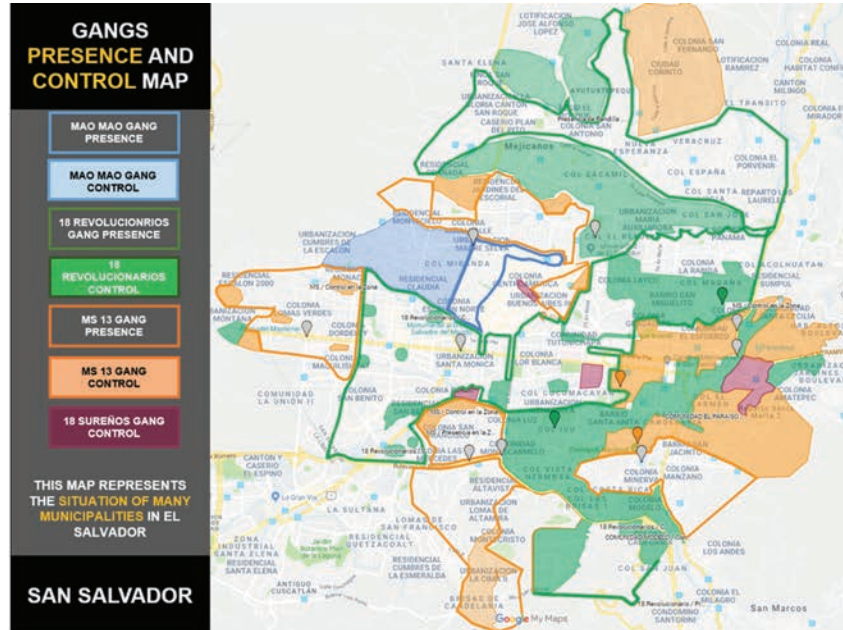
The International Rescue Committee
1730 M St. NW, Washington DC 20036 | Rescue.org

Introduction

Across Northern Central America (El Salvador, Guatemala & Honduras), the growing humanitarian crisis continues to force the displacement of thousands of people seeking safety and protection. During 2020, gang and gender-based violence, poverty, insecurity, and climate change were the cause for more than **1.4 million people** to be internally displaced in Honduras, Guatemala and El Salvador, numbers that have been frequent in the last few years. However, lack of data is another great challenge in the region (numbers vary widely depending on sources) and externally displaced people are not contemplated, meaning that the total number of displaced people might be even higher.

The current perceived increase in migration in the region is largely due to the fact that during the COVID-19 pandemic, the root drivers of migration have remained, and even worsened. While many vulnerable populations have been greatly impacted, women and girls are specific targets for violence which is leveraged as a method to control families with threats, kidnappings and extortion. During COVID where services stopped and public health measures restricted movement, the small protections against gender-based violence all but disappeared. In El Salvador, femicides increased 43 percent during the first quarter of 2021, from 28 to 40 (Interinstitutional Technical Table, 2021); in Honduras, 163 femicides were reported between January and August 2020, more than half perpetuated during the national curfew to prevent the spread of COVID-19. In Guatemala, reports of domestic and gender-based violence increased 18.7% during the first two months of 2021, with a total of 2,411. Northern Central America is also considered one of the most dangerous regions in the world for women and members of the LGBTQI+ community, with one woman murdered every 6 hours in 2019, and LGBTQI+ community regularly brutally targeted.

While there are many ongoing challenges in the region: climate change, drought, economic hardship, lack of economic opportunities, widespread violence and the presence of criminal gang-controlled areas within the region have continued to contribute to the decision for more families to flee. In addition to organized crime and drug trafficking, gang violence in the region thrives within government systems of impunity. Migration is ultimately driven by people seeking safety, protection and better living conditions.



In El Salvador, territorial gangs (maras) control neighborhoods in the city of San Salvador (as pictured) with impunity. The prevalence of violence, extortion, and death threats have forced individuals to flee their homes in search of safety and protection.

Governments in Northern Central America have lacked the ability to address regional challenges and institutions have failed to adequately provide solutions to pervasive violence and economic challenges, often due to lack of resources, corruption, or instability. Research suggests that the choice to leave the region is often supported with a desire to reunify with family members who have faced the same difficult decision in search of safety, protection and economic stability.¹ IRC's own needs assessments have shown that people are often not seeking to flee the country as their first recourse, rather first internally displace, then finding themselves unable to reestablish their lives or connect with appropriate services, displace again until ultimately fleeing their country of origin. As the living conditions worsen in the region, the migration flows risk further destabilization of the region and the lack of true safe options before reaching the United States, will continue to have a direct impact on the United States, its borders, and immigration and asylum systems.

Historically, migration issues in Northern Central America have been addressed by the United States government with policies focused primarily on the need for economic development in the region and immigration enforcement at the U.S. border. Immigration enforcement policies have included mass deportations, a reduction in allowed asylum-seekers, and inconsistent application of international law. On the ground in Central America, migration

¹ <https://fas.org/sq/cr/crs/row/IF11151.pdf>

has been addressed by economic development programming, and more recently violence prevention and programming to address the prevalence of criminal activity within the region. Taken together, these measures have been insufficient in recognizing the humanitarian needs of those who are in need of safety and who are moving to seek it (whether internal to their country of origin or externally). Furthermore, efforts that solely address economic development fail in providing needed trauma-informed wrap-around services and protections for those who seek to benefit.

The Biden Administration has taken active steps to implement a protection-forward approach in the region.² Sustaining this approach and meaningfully addressing the humanitarian crisis in the region will require tailored policies and initiatives that seek to directly solve both the root causes of migration and the consequences of the continued regional crisis.³ It will also require the Administration to implement policies that protect the right to seek asylum while implementing a humanitarian based response that addresses the drivers of migration.

IRC's Work in Northern Central America

The IRC operates in the region across the arc of the migration crisis. Our presence and programs in Guatemala, El Salvador, and Honduras, as well as in Mexico, have allowed IRC to gain a deep understanding of the root causes of migration through a humanitarian and development lens by delivering services and humanitarian assistance to migrants on the move, refugees, asylum seekers and returnees:

- In Northern Central America, the IRC serves individuals and families experiencing violence and displacement. The IRC's programming includes multi-purpose cash transfers to meet basic needs; safe spaces for women, youth, children and the LGBTQ+ community who are survivors of gender-based violence; case management and psychosocial support to families, children and LGBTI+ people; and access to verified services and information through *CuéntaNos*, a digital platform—part of the Global *Signpost* project—to provide people with critical, up-to-date information and two-way communication and support with trained moderators as well as direct engagement for returned migrants, families and others at risk of violence.
- In Mexico, the IRC is responding to the crisis in Mexican southern and northern border towns, as well as in Mexico City. The IRC's programs offer a timely and comprehensive response to the most urgent needs of people on the move, including: prevention and response to gender-based violence; access to critical information through *InfoDigna*, a multi-channel information platform; prevention and mitigation of COVID-19; economic recovery and development; child protection services; as well as identifying needs and referring cases to local service providers. Additionally, the IRC is supporting local integration efforts by providing cultural orientation to individuals who have chosen to stay in Mexico.
- In the U.S., the IRC has served thousands of individuals, children and families seeking asylum and protection before, during and since the arrival of a large number of immigrants, including asylum-seekers, at the U.S.-Mexico border—the symptoms of the real crisis taking place in northern Central America.

²<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-creating-a-comprehensive-regional-framework-to-address-the-causes-of-migration-to-manage-migration-throughout-north-and-central-america-and-to-provide-safe-and-orderly-processing/>

³<https://www.state.gov/strengthening-democracy-in-central-america-and-addressing-root-causes-of-migration-at-central-american-integration-system-meeting/>

Understanding Migration Flows to Mexico and the United States

Violence, natural disasters, and political instability have served as the drivers of migration for an estimated 709,000 people fleeing the region in FY2019 followed by an estimated 139,000 people in FY2020.⁴ These numbers are best guess estimates as many people cross in blind spots and are uncounted. Migrants motivated to travel north due to dangerous living conditions and past or future persecution often face similar risks to those they fled such as being kidnapped, trafficked, raped or killed en route to safety and protection.

Individuals who are forced to flee their homes often first look to neighboring municipalities, displacing internally in search of safety. With difficulties re-establishing themselves — given a lack of resources or persisting dangers — individuals, and sometimes their entire families, often displace multiple times internally before exhausting all options to stay close to home. They are then forced to flee across international borders.

Recent data from the IRC's CuéntaNos—a dynamic searchable information platform with WhatsApp chat line, part of the Global Signpost project for users in El Salvador, Honduras and Guatemala— signaled expected increases in migration flows from the region in advance of the eventual documented numbers at the Northern Mexico border. An increase in the demand for information on employment, identification documents, and women's services and protection have dramatically risen since the onset of the COVID-19 pandemic.⁵

In 2021, the IRC conducted a needs assessment to better understand the needs of mixed migrants throughout Mexico. Mixed migration refers to the multiple possible destinations and decisions and includes those who are in movement through Mexico whether they plan to stay in Mexico, or plan to cross Mexico's southern land border and travel north in an attempt to gain entry into the United States. It is important to recognize in this population that there is not one set destination people hope to reach, rather they are making decisions while en route. At the beginning of March 2021, the Mexican Commission for Refugee Assistance (COMAR) reported that, in just two months of 2021, more than 9,000 people from Honduras, Guatemala and El Salvador had requested asylum, comprising 40% of the total of applications submitted in 2020.

Many migrants who do not desire or are unable, frequently for safety and protection concerns, to settle in Mexico opt to take the dangerous journey all the way to the U.S. border. Key findings of this assessment identified protection needs of migrants, highlighting the need for access to information for decision making and to receive services, healthcare, and shelter. With a large population of unaccompanied children, the assessment also identified the need to protect vulnerable populations like women and children from greater risks faced along their migration route.

⁴ <https://fas.org/sgp/crs/row/IF11151.pdf>

⁵ <https://www.rescue.org/press-release/irc-migration-search-trends-point-growing-displacement-central-america-due-covid>

POLICY RECOMMENDATIONS

Broad based international cooperation and funding are necessary to ensure protections for vulnerable populations and all who are fleeing for their safety in eventual safe harbor, whether the U.S., Mexico or another country.

A comprehensive response requires distinct investments as follows:

1. **Invest in humanitarian assistance in the region.** The first necessary investment is to provide resources to meet the specific needs of those who are internally displaced or migrants. International non-governmental organizations (INGOs) are positioned to partner with the government in addressing the needs as follows:
 - **Provide Humanitarian Cash Support:** Based on the top three needs people noted when they first displaced, which include money, food, and shelter, again consider cash-based programs to provide immediate needs, as well as work more closely with organizations that provide these services. Cash support should be given in concert with other supports to also ensure it is part of a pathway to a durable solution.
 - **Develop a Shelter System:** Northern Central American countries lack a robust shelter system. Few shelters exist outside of the emergency response system activated in the case of natural disasters when schools, community centers, and churches are used as shelters. The region suffers from a lack of specialized shelters as well as family shelters and lack of protection centered shelter guidelines and requirements.
 - **Improve Access to Information:** Collaboration should continue with trusted organizations to address concrete ways to communicate to the population of concern about available services and identify hidden populations of concern to empower them to make the safest possible decisions for themselves and their families.
 - **Fund Case Management:** Support services and access to resources is necessary both within countries of origin, regional countries and in the U.S. while an asylum seeker awaits the adjudication of their claim or makes plans for safety.
2. **Support opportunities for people to find safety in their communities of first refuge.** The development of programs that address cash and protection needs for IDPs are necessary to provide life sustaining opportunities for IDPs seeking protection. Providing access to information that is reliable and timely assists IDPs in assessing protection options and in making the best decisions for themselves and their families. IDPs can be supported through community and integration services.
3. **Support returnees (those who have been deported back to their country of origin) to reestablish their lives.** Where remittances represent a staggering 20% GDP of countries in the region, they also represent human capital. Those who return either voluntarily or involuntarily to their country of origin return with new skills, new perspectives, and with proven track record to be innovative and risk taking. Returnees represent a unique work force and unique population that can add and contribute to their country of origin, however they face many of the same challenges as new migrants face - lack of understanding of systems, lack of access to resources, and need for wrap-around protection and psychosocial support.
4. **Build protection capacity and alternative pathways in the region.** The United States government should work with local partners and NGOs to strengthen protection capacity in the region and uphold the right to seek asylum in alignment with international law. With protection forward support from organizations, the government can work with NGOs to receive direct referrals for vulnerable populations, such as LGBTI+ asylum seekers.

Furthermore, significantly increasing in-country resettlement and ensuring timely regional refugee processing will serve to provide protection from the existing risks of violence, trafficking, and life-threatening migration journeys. Programs like the Central American Minors program serve as a model for providing in-country resettlement protection to a vulnerable population; however, there is a need for more programs that also allow for people to relocate to safe communities within the region in addition to the United States.

5. Address the leading root causes of migration to improve regional challenges.

- **Assist in breaking the cycle of chronic violence.** Violence, in every expression, has been a leading driver of migration throughout Northern Central America. Weak judicial systems, repressive zero-tolerance criminal policies, and lagging police reform have contributed to perpetuating the cycle of impunity. Although some important strides have been made, particularly in creating specialized units that target gender-based violence, there is more to be done. These include:
 - Judicial and police reform to ensure due process and eliminate a culture of impunity
 - Early Childhood Development to address violence prevention as early as possible
 - Violence prevention as a behavioral change management process
 - Multi-dimensional community-based violence prevention programs that include prenatal and maternal health care interventions
- **Utilize a trauma informed approach and account for wrap-around services.** Survivors of violence, who have lived in gang-controlled communities will likely need additional support to obtain employment and be successful in a professional environment.
 - In addition, mental health and psychosocial support is necessary to assist in providing services to individuals who have experienced trauma. Trauma informed care must account for access to not only support services but also provide access to justice. Allowing an advocate to assist individuals navigate the legal processes is vital to addressing protection needs in court settings. Justice officials should also engage in Survivor Centers Training.
- **Support regional community leadership in addressing the impacts of climate change.** Climate change can serve as a contributing factor to the challenges faced by individuals in conflict and crisis environments. Coupled with a lack of power and resources, climate change can exacerbate already existing regional problems. To alleviate the effects of climate change, an investment must be made to assist local community leaders in committing to making societal and structural changes in their communities.

Please reach out to JC.Hendrickson@rescue.org for additional information on the recommendations above.

Questions for the Record
Senate Homeland Security and Governmental Affairs Committee
Subcommittee on Government Operations and Border Management
“The Non-Governmental Organization Perspective on the Southwest Border”
April 28, 2021
From Chair Kyrsten Sinema
Submitted to Joshua Jones

1. In your testimony, you discussed the “push” and “pull factors” that cause asylum seekers to leave their homes and seek safety in the US. To what degree do push and pull factors influence migrants’ decisions to seek asylum in the US?

The “pull factors,” or policies governing the admission or non-admission of immigrants that incentivize or disincentivize decisions to migrate to the United States, and “push factors,” or conditions in Latin American countries that motivate migration, may affect migratory decisions in varying degrees based on changes in geo-political or security factors and U.S. immigration policy. For example, migration of Mexican males varies seasonally based on the availability of agricultural jobs within the United States. Migration from Northern Triangle countries often increases after a hurricane or other natural disaster, or in times of violent territorial disputes between rival gangs in those countries. Similarly, “pull factors” vary based on immigration enforcement policy. For example, temporary spikes in Customs and Border Protection (CBP) encounters during both the Obama and Trump administrations were countered with enhanced enforcement and policy changes that discouraged decisions to migrate.

- a. Do you have data to support this conclusion?

General data regarding CBP encounters correspond to changes in U.S. immigration policy and living conditions in Latin America. For example, two destructive hurricanes in Central America coupled with Biden Administration policy changes and messaging that suggested future amnesty for illegal immigrants, have led to the recent severe spike in CBP encounters, ranging from 150,000 to 200,000 per month since February.

- b. Smugglers will often lie to asylum seekers about what they can expect when they reach our Southwest border. What can feasibly be done to effectively counter these false narratives?

Smuggling organizations often echo, and in some cases distort, messaging and policy changes that suggest increased ease of entry into the United States. Strong, decisive and consistent messaging from the White House and Department of Homeland Security is the best way to counter false narratives. Would-be migrants watch and read news from the

U.S. on television and social media independent of smuggling organization propaganda. Strong messaging from the U.S. government would be an effective deterrent.

Additionally, because smuggling organizations often pitch to would-be migrants the potential for successful asylum claims, a policy that requires the initiation of asylum claims in home countries would discourage the migration of persons with asylum claims unlikely to be granted. The asylum claims can be initiated and provisionally granted or denied by the embassies or consulates in the claimants' respective countries, saving migrants the dangerous journey to the U.S. border to file asylum claims that are unlikely to be granted. Such a policy should be coupled with a security solution for persons under immediate threats from local criminal organizations. Embassies in Northern Triangle countries can provide such security solutions by contracting with private security firms that will operate in conjunction with local law enforcement, much like the U.S. Department of Defense previously contracted with security firms in Iraq and Afghanistan.

2. One of your recommendations is that DHS provide training to border NGOs so that they can identify gang members and other signs of TCO criminal activity at the border. This recommendation implies that the DHS intake process does not sufficiently vet migrants before they are released to border communities.
 - a. Do you have data to support this recommendation?

Members of Central American gangs and other TCO's often hide their criminal organization affiliations in order to gain entry into the United States. When the volume of CBP encounters exceeds 100,000 per month, as it has since February of this year, the chance of a well-trained CBP agent missing a sign of criminal organization affiliation increases. In such cases, DHS training of NGO personnel can supplement their counter-gang efforts along the border.

Thus, the recommendation that DHS train NGO personnel was not an indication of belief that CBP does not sufficiently vet migrants. It is a suggestion that, at times of very high encounter volume, NGO personnel can serve as a force-multiplier in ensuring that other migrants and U.S. citizens are protected from migrating criminal organization members.

- b. Given that it is DHS' responsibility to secure our borders, what can be done to improve the vetting process for arriving migrants?

DHS has developed an extensive biometric database, which contains information from customs counterparts in Mexico and Central America, that assists in identifying persons with criminal histories or criminal organization affiliations. Further funding and development of the database, as well as sharing of the database with criminal law enforcement agencies like FBI and DEA, would lead to further improvements in the vetting process.

One of the primary challenges faced by DHS, particularly in periods of high volumes of encounters, is the lack of personnel to process increasing numbers of migrants crossing illegally and would-be asylum claimants. Criminal organizations controlling Mexican border towns take advantage of high volumes of encounters by crossing illegal drugs in areas where CBP agents are otherwise overwhelmed with migrant encounters. Funding for additional CBP agents along the southern border would render improvements to the vetting process.

3. Many asylum seekers arriving at the Southwest border are fleeing violence perpetrated by transnational criminal organizations. What feasible options exist for the US government to address the root cause of this violence?

Transnational criminal organizations, from the transnational gangs in the Northern Triangle to the Mexico-based criminal syndicates, flourish largely because of political corruption in those countries. The bilateral relationship between U.S. and Mexican law enforcement has been rapidly deteriorating over the past two years, leading to diminished cooperation between law enforcement agencies in Mexico and the United States. Not only have Mexican transnational criminal organizations flourished in that time, but the leadership of Northern Triangle gangs has begun to find safe haven in Mexico.

Recent U.S. government focus on corruption in the Northern Triangle has been positive, with bilateral cooperation in counter-gang enforcement improving in El Salvador and Guatemala. But the level of corruption inside the Mexican government, from local police to federal government leadership, exceeds that of the Northern Triangle and has a more direct and immediate impact on the United States.

The upcoming State Department release of the “Engel List,” pursuant to the January 2021 U.S.-Northern Triangle Enhanced Engagement Act, will expose corrupt government officials throughout Guatemala, Honduras and El Salvador. The Engel List should be supplemented with a similar list of corrupt government actors in Mexico. U.S. government officials and counterpart government officials consistently opine that corruption in the Mexican government significantly exceeds that of any of the three Northern Triangle countries.

4. It is important to include efforts to counter TCO financing as part of any strategy to disrupt these organizations and their criminal activity. Based on your experience at the Department of Justice, what is most important for Congress to keep in mind when it considers legislation or initiatives related to countering TCO financing?

Title 21 of the U.S. Code provides federal prosecutors, in Section 959 et seq., with the ability to charge drug trafficking as an extraterritorial crime. Even where a drug trafficking crime does not occur in or affect a specific U.S. jurisdiction, the crime may be

charged if the prosecutor can prove a sufficient nexus to the United States. A money laundering charge, by contrast, must affect a specific U.S. jurisdiction and be brought in that jurisdiction. Legislation creating a money laundering equivalent of 21 U.S.C. 959 et seq. would assist agents and prosecutors in building international money laundering cases, inasmuch as laundering schemes such as hawala or trade-based laundering render it difficult to tie laundering conspiracies to specific jurisdictions.

Designations from the Office of Foreign Assets Control (OFAC) of the Treasury Department are effective counterparts to federal criminal prosecutions because the designations are public and often render international criminal organizations unable to effectively move money internationally. In most international criminal prosecutions, indictments are kept under seal, or non-public, to facilitate arrest efforts. Even if arrest efforts are successful, the organization is often still able to continue operations. The designations also often encourage cooperation with U.S. law enforcement and/or OFAC investigators on other money laundering associates. Legislation or initiatives that involve public designations tying international businessmen or public officials to criminal organization finance can be as effective as criminal statutory schemes.

Questions for the Record
Senate Homeland Security and Governmental Affairs Committee
Subcommittee on Government Operations and Border Management
“The Non-Governmental Organization Perspective on the Southwest Border”
April 28, 2021
From Senator Josh Hawley
Submitted to Joshua Jones

1. In your written testimony you discussed some of the tactics criminal organizations use to smuggle migrants to the United States. Do we have evidence that criminals will falsely claim to be parents of minors in order to facilitate their own entry into the United States? If so, how frequently does this occur?

U.S. Customs and Border Protection (CBP) has documented instances of fraudulent parentage claims involving would-be immigrant adults and children on the southern border. Because CBP does not normally employ genetic testing or require extensive documentation in parentage claims, occurrences of fraudulent parentage claims are likely underreported.

Recent CBP statistics regarding reasons for parentage separation can be found here:
https://www.dhs.gov/sites/default/files/publications/immigration-statistics/Special_Reports/FUAR/fy_2020_m6_family_unit_actions_report_march_2020.pdf and
https://www.dhs.gov/sites/default/files/publications/immigration-statistics/Special_Reports/FUAR/fy_2020_m4_family_unit_actions_report_january_2020.pdf

2. What specific policy changes made by the Biden administration, if any, do you believe has changed the calculus for criminal organizations operating in human trafficking and controlling “distribution channels” at the border?

Revocation of Migrant Protection Protocols (MPP) and the allowance of all unaccompanied minor children from Central America, along with messaging that suggests future amnesty for illegal immigrants, have contributed to a substantial increase in migrants from Mexico and Central America. Smuggling organizations have used these policy changes to suggest to would-be migrants that the chances of successful entry into the United States have increased substantially. The substantial increase in supply of would-be immigrants has given criminal organizations controlling ports of entry opportunities to profit from, and in many cases exploit, would-be immigrants.

3. Do you believe that the decision by the Biden administration to create exceptions to Title 42 expulsions has impacted the trafficking rates of minors at the border?

The policy allowing unaccompanied minors from Central America into the United States, as an exception to Title 42 protocol, has led to a substantial increase in the trafficking of minors to the southern border.

4. You noted in your written testimony that we are not just seeing instances of human smuggling, but also drug smuggling. Can you describe the tactics that criminal organizations use to manipulate migrant families or deceive CBP officers in order to move illicit drugs across the border?

As a federal prosecutor, I became aware of anecdotal accounts of Mexican criminal organizations and human smuggling organizations, which often involve the Central American gangs MS-13 and 18th Street, cooperating in smuggling operations at the southern border. Would-be Central American immigrants would be given backpacks filled with illegal drugs, provided direction for successful entry into the United States, and instructed to deliver the backpacks to points of contacts in the United States. Such immigrants are called “*mochilas*,” the Spanish word for backpacks.

In other cases, Mexican criminal organizations would instruct a large caravan to cross into the United States at a point along the southern border in order to distract CBP and other criminal enforcement agents. The criminal organizations would then cross illegal drugs at another point along the border.

5. You wrote in your testimony that “Mexico has thus become a safe haven for MS-13 (and likely 18th Street) gang leadership.” In your view, why has this occurred?

U.S. government cooperation with El Salvador and Guatemala has improved in recent years, which has led to increased counter-gang enforcement in those countries, specifically the targeting of MS-13 and 18th Street gang leadership. The U.S. government’s bilateral law enforcement relationship with Mexico is far less cooperative and continues to deteriorate. Mexican government efforts to combat Central American gangs is otherwise nearly nonexistent. Gang leadership has thus moved into Mexico in order to avoid U.S. law enforcement cooperative efforts in El Salvador and Guatemala, finding a safe haven in Mexico.

6. In your estimation, how has our law enforcement cooperation with Mexico changed since January 20, 2021, if at all?

U.S. law enforcement bilateral cooperation with Mexico has been rapidly deteriorating since Mexico’s election of Andres Manuel Lopez Obrador to the presidency in 2018. Based on conversations of U.S. law enforcement associates currently working at the U.S. Embassy in Mexico City, the deterioration in the U.S. relationship with Mexican law enforcement has accelerated significantly after the 2020 U.S. presidential election.

7. What was your overall assessment of the Trump administration’s “Remain in Mexico” policy? Did this work to eliminate some of the “push” factors that you discussed in your testimony?

The “Remain in Mexico” policy, or MPP, effectively disincentivized the migration of asylum claimants from Mexico and Central America. Due to the volume of asylum claimants in the

system, prior to MPP an asylum claimant was virtually guaranteed of months, or sometimes years, in the United States as the claim was processed. In most cases, the asylum claimant would disappear into the United States and decline to appear at his or her asylum hearing.

The policy was one of the so-called “pull” factors, or policies governing the admission or non-admission of immigrants that incentivize or disincentivize decisions to migrate to the United States. The “push” factors include conditions in various Latin American countries that affect decisions to migrate. The primary push factors are government corruption, lack of security and economic under-development in those countries.

8. As a former prosecutor, Assistant U.S. Attorney, and someone who has deep experience with border security issues, is it fair to call the situation at the southwest border today a “crisis”?

The current situation at the southern border, including the overall volume of immigrant encounters, the plight of undocumented minors making their way to the southern border, and the increase in the importation of illegal drugs, especially methamphetamine and fentanyl, resulting from the increased volume of illegal immigration, is undoubtedly a humanitarian crisis and is contributing to the ongoing opioid crisis.